MONTANA LEGISLATIVE HISTORY

Chapter 213 19 75

Bill H 316 S _____ Original bill & history ✓ C

H. Committee on Local Government			S. Committee on Local Government		
Hearing Date(s)	Feb 03	✓ C	Hearing Date(s)	Mar 13	✓ C
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Date Out	Feb 03	✓ C		Mar 13	✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

LC 0843

INTRODUCED BY House BILL NO 316 Kirke South Lockren Fagg

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 82A-901, R.C.M. 1947; TO CHANGE THE TITLE OF DEPARTMENT OF INTERGOVERNMENTAL RELATIONS TO THAT OF THE DEPARTMENT OF COMMUNITY AFFAIRS IN ALL PERTINENT STATUTES; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82A-901, R.C.M. 1947, is amended to read as follows:

"82A-901. Department of ~~intergovernmental--relations~~ community affairs -- creation -- head. There is created a department of ~~intergovernmental-relations~~ community affairs. The department head is a director of ~~intergovernmental relations~~ community affairs appointed by the governor in accordance with section 82A-106 of this act."

Section 2. Section 1-102, R.C.M. 1947, is amended to read as follows:

"1-102. Definitions. Unless the context requires otherwise, in this title:

(1) "Department" means the department of ~~intergovernmental--relations~~ community affairs provided for in Title 82A, chapter 9.

(2) "Aeronautics" means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities; and air instruction.

(3) "Aircraft" means a contrivance used or designed for navigation of or flight in the air.

(4) "Public aircraft" means an aircraft used exclusively in the service of any government or of a political subdivision of a government, including the government of a state, territory, or possession of the United States, or the District of Columbia, but not including a government-owned aircraft engaged in carrying persons or property for commercial purposes.

(5) "Civil aircraft" means an aircraft other than a public aircraft.

(6) "Airport" means an area of land or water, except a restricted landing area, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or

INTRODUCED BILL

other airport facilities, and all appurtenant rights of way.

(7) "Restricted landing area" means an area of land, water, or both, which is used or is made available for the landing and take-off of aircraft, the use of which shall, except in case of emergency, be only as provided by the department.

(8) "Air navigation facility" means a facility used in, available for use in, or designed for use in, aid of air navigation, including airports, restricted landing areas, and structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted area, and any combination of these facilities.

(9) "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon an airport or restricted landing area within this state.

(10) "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft. A person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft,

operates the aircraft.

(11) "Airman" means an individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way and (excepting individuals employed outside the United States, an individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection with them, and an individual performing inspection or mechanical duties in connection with aircraft owned or operated by him) an individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances; and an individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator.

(12) "Air instruction" means the imparting of aeronautical information by an aeronautics instructor or in or by an air school or flying club.

(13) "Air school" means a person engaged in giving or offering to give instruction in aeronautics, either in flying or ground subjects, or both, for or without hire or reward, and advertising, representing, or holding himself out as giving or offering to give that instruction. It does not include a public school or university of this state, or an institution of higher learning accredited and approved

for carrying on collegiate work.

(14) "Aeronautics instructor" means an individual engaged in giving instruction or offering to give instruction in aeronautics, either in flying or ground subjects, or both, for hire or reward, without advertising that occupation, without calling his facilities an "air school" or anything equivalent to an "air school", and without employing or using other instructors. It does not include an instructor in a public school or university of this state, or an institution of higher learning accredited and approved for carrying on collegiate work, while engaged in his duties as an instructor.

(15) "Flying club" means a person other than an individual, which, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction or pleasure or both.

(16) "Person" means an individual, firm, partnership, private, municipal, or public corporation, company, association, joint stock association, or body politic; and includes a trustee, receiver, assignee, or other similar representative.

(17) "State airway" means a route in the navigable air space over and above the lands or waters of this state, designated by the department as a route suitable for air navigation.

(18) "Navigable air space" means air space above the minimum altitudes of flight prescribed by the laws of this state or by regulations of the department.

(19) "Municipality" or "political subdivision" means a county, city, village, or town of this state and any other political subdivision, public corporation, authority, or district in this state authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities.

(20) "Airport protection privileges" means easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas and the safe and efficient operation thereof.

(21) "Airport hazard" means a structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or restricted landing area or is otherwise hazardous to landing or taking off."

Section 3. Section 1-501, R.C.M. 1947, is amended to read as follows:

"1-501. Receipt and disbursement of moneys. (1) All

costs and expenses of administering this title, including the salaries of employees of the department of ~~intergovernmental relations~~ community affairs engaged in functions pertaining to aeronautics, the expenses of members of the board of aeronautics, and all other disbursements necessary to carry out the purposes of this title, shall be paid out of the following revenues: All gifts and all legislative appropriations to the department for aeronautics; all moneys received from any branch or department of the federal government, or from other sources, for the purposes mentioned in this title or for the furtherance of aeronautics generally in this state. All such moneys shall be deposited in the state treasury to the credit of the department.

(2) There shall be deposited in the earmarked revenue fund to the credit of the department the proceeds of one cent (1¢) per gallon out of the amount per gallon of gasoline license tax imposed by the laws of this state upon purchases of gasoline used for the operation of aircraft. Moneys so deposited shall be spent by the department for the sole purpose of carrying out its functions pertaining to aeronautics.

(3) No part of the one cent (1¢) per gallon of gasoline license tax imposed by the laws of this state on gasoline purchased and used for the operation of airplanes

or aircraft may be refunded."

Section 4. Section 1-1101, R.C.M. 1947, is amended to read as follows:

"1-1101. Department of ~~intergovernmental--relations~~ community affairs to be custodian of all airplanes owned or leased by state. The department of ~~intergovernmental relations~~ community affairs is hereby constituted the custodian of all airplanes owned or leased by the state of Montana or its boards, commissions or agencies."

Section 5. Section 1-1102, R.C.M. 1947, is amended to read as follows:

"1-1102. Rules and regulations--authority and enforcement. The department of ~~intergovernmental--relations~~ community affairs is hereby delegated the power and authority:

(1) to formulate and enforce reasonable rules and regulations governing the use and operation of all airplanes under control of the division;

(2) to encourage and coordinate use of such airplanes by individual state agencies--an agency for which an aircraft has been specially equipped or modified shall have priority for the use of such aircraft;

(3) to charge the individual state agencies using the airplanes the estimated costs for administration, operation, maintenance, service, storage, and replacement;

(4) to establish a capital fund for new and replacement equipment using that portion of the money paid by individual state agencies for the use of the airplanes; and

(5) to place any surplus resulting from use charges into the capital fund."

Section 6. Section 1-1103, R.C.M. 1947, is amended to read as follows:

"1-1103. Deficit. Any deficit resulting from the operation of the airplanes by the department of ~~intergovernmental---relations~~ community affairs shall be provided for in the state's general fund budget as determined by legislative action."

Section 7. Section 6-205, R.C.M. 1947, is amended to read as follows:

"6-205. Department of ~~intergovernmental---relations~~ community affairs to determine adequacy of amount. The amount for which a county officer or employer or group of officers or employees shall be bonded is subject to the supervision of the department of ~~intergovernmental-relations~~ community affairs. If the department of ~~intergovernmental relations~~ community affairs determines that the amount of the bond is inadequate, it may require the board of county commissioners to purchase an adequate bond."

Section 8. Section 6-603, R.C.M. 1947, is amended to

read as follows:

"6-603. Determination of adequacy of bond by department of ~~intergovernmental-relations~~ community affairs. The amount for which a city or town officer or employee or group of officers or employees shall be bonded is subject to the supervision of the department of ~~intergovernmental relations~~ community affairs. If the department of ~~intergovernmental--relations~~ community affairs determines that the amount of the bond is inadequate it may require the city or town council or commission to purchase an adequate bond."

Section 9. Section 11-313, R.C.M. 1947, is amended to read as follows:

"11-313. Order of disincorporation on vote by electors. In case the canvass reveals that sixty per cent (60%) or more of all the votes cast were in favor of disincorporation, the county commissioners shall, under their hands make and file in their office, and cause to be entered upon their proceedings, an order that the petition for disincorporation be granted, and declaring that the city or town is disincorporated. The order takes effect within sixty (60) days following the date of the order. A certified copy of the order shall be sent to the Montana secretary of state and the head of the state department of ~~intergovernmental-relations~~ community affairs."

 HB 316

Section 10. Section 11-315, R.C.M. 1947, is amended to read as follows:

"11-315. Certification of financial condition. Upon receiving a certified copy of the order of disincorporation, the director of the department of ~~intergovernmental relations~~ community affairs shall certify a current statement of the financial condition of the disincorporating city or town to the board of county commissioners. The statement shall include, but not be limited to, a determination of all assets of the city or town, including any current or delinquent utility accounts and/or taxes receivable and a statement of all city or town indebtedness, including any revenue or general obligation bonds, special improvement district obligations outstanding, contracts payable, all other obligations of the city, and a schedule for the repayment of indebtedness. Under the supervision of the director of the department of ~~intergovernmental relations~~ community affairs or his agent, the city or town treasurer shall draw a treasurer's check for the amount of unencumbered cash in the city or town treasury, the check shall be made payable to and delivered to the county treasurer of the county in which the disincorporating city or town is situated. The county treasurer shall immediately place said money in a special fund, to be drawn upon as provided in this act."

Section 11. Section 11-806, R.C.M. 1947, is amended to read as follows:

"11-806. Financial statement of city or town -- contents -- copies, to whom furnished. (1) Within sixty (60) days after the close of each fiscal year the city or town clerk of each city and town must make out, in duplicate, a complete statement of the financial condition of the city or town for that fiscal year, showing:

(a) The indebtedness of the city or town, funded and floating; the amount of each class of indebtedness; and the amount of money in the treasury subject to the payment of each class of indebtedness;

(b) The amount of money received from taxes upon real and personal property;

(c) The amount of money received from fines, penalties, and forfeitures;

(d) The amount of money received from licenses;

(e) The amount of money received from all other sources, each source and the amount received from it being shown separately;

(f) For each fund the amount of money, if any, on hand at the beginning of the fiscal year, the amount received and the amount paid out during the fiscal year. The amount of money paid out must be deducted from the total of the money on hand at the beginning of the fiscal year and the money

received during the year, and a balance must be struck for each fund.

(g) A concise description of all property owned by the city or town with an approximate estimate of the value of it;

(h) The rates of taxation and purposes for which taxes were levied during the fiscal year;

(i) Other information which may be required by the department of ~~intergovernmental-relations~~ community affairs.

(2) The forms on which the statement shall be made shall be prescribed by the department of ~~intergovernmental relations~~ community affairs.

(3) The city or town clerk must, not later than August 31 following the close of each fiscal year, transmit one copy of the statement to the department of ~~intergovernmental relations~~ community affairs, and must present the other copy to the city or town council or commission at its first regular meeting in September.

(4) If a city or town clerk fails to file a copy of the statement with the department of ~~intergovernmental relations~~ community affairs within the time specified, the department of ~~intergovernmental-relations~~ community affairs, without delay, shall examine the books, records, and accounts of the city or town. The department of ~~intergovernmental-relations~~ community affairs shall make

from its examination a statement of the financial condition of the city or town for the preceding fiscal year in the manner it should have been made by the city or town clerk. The examination shall be considered a special examination under the provisions of section 82-4504, and all of the provisions of section 82-4504 apply to it."

Section 12. Section 11-1403, R.C.M. 1947, is amended to read as follows:

"11-1403. Estimates of revenues and disbursements to be filed by officers -- forms -- penalty for failure to file. (1) Before July 1 of each year the clerk of each city shall notify in writing each official in charge of an office, department, service, or institution of the municipality to file with the clerk, before July 10, detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by the office, department, service, or institution for the current fiscal year. The council shall submit to the clerk the estimate of expenditures for all purposes for the council. The mayor of the municipality shall submit to the clerk a detailed estimate showing the amount to be appropriated from funds belonging to the municipality to defray the municipality's portion of the cost of making improvements in special improvement districts, and of maintaining them, and of installing

lighting systems in special lighting districts, and maintaining them. There may not be included in the estimate, nor in either the preliminary or final budget of a municipality, any part of that cost which is to be paid by special assessments against the property within the districts, or any part of the cost in sprinkling districts which is to be defrayed by special assessments against the property in the sprinkling districts.

(2) The council shall also submit to the clerk detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bond issues not yet authorized and from the proceeds of tax levies which are required to be submitted to and approved at an election to be held.

(3) The estimates required in this section shall be submitted on forms provided by the clerk, and prescribed by the department of ~~intergovernmental--relations~~ community affairs, and may only be varied or departed from with permission and approval of the department of ~~intergovernmental-relations~~ community affairs. The city treasurer shall prepare the estimates for interest and debt reduction. The clerk shall prepare all other estimates which properly fall within the duties of his office.

(4) Each of the officials shall file the estimates within the time and in the manner provided in the form and

notice, and the clerk shall deduct and withhold, as a penalty, from the salary or compensation of each official failing or refusing to file the estimates, the sum of ten dollars ($10) for each day of delay. The total penalty against an official may not exceed fifty dollars ($50) per year. In the absence or disability of an official the duties required in this section devolve upon the official or employee in charge of the office, department, service, or institution for the time being. The notice shall contain a copy of this penalty clause."

Section 13. Section 11-1404, R.C.M. 1947, is amended to read as follows:

"11-1404. Tabulation by clerk of expenditure program -- classifications, items included in. (1) From estimates of revenue and disbursements the clerk shall prepare a tabulation showing the complete expenditure program of the municipality for the current fiscal year, and the sources of revenue by which it is to be financed. The tabulation shall set forth the estimated receipts from all sources other than taxation for each office, department, service, or institution for the current fiscal year, the actual receipts for the last completed fiscal year, the surplus or unencumbered treasury balances at the close of that last fiscal year, and the amount necessary to be raised by taxation; the estimated expenditure for each office,

department, service, or institution for the current fiscal year, the actual expenditures for the last completed fiscal year, and all contracts or other obligations which will affect the current year revenues.

(2) The estimates, appropriations, and expenditures shall be classified as:

(a) salaries and wages;

(b) maintenance and operation;

(c) capital outlay;

(d) interest and debt redemption;

(e) miscellaneous; and

(f) expenditures proposed to be made from bond issues not yet authorized, or from the proceeds of a tax levy or levies which are required to be submitted to and approved at an election to be held later.

(3) Within the class of "salaries and wages" each salary shall be set forth separately together with the title or position of the recipient. An unitemized appropriation may be made to cover the expenses of special deputies or assistants in an office where the services of the special deputies or assistants may be required during a part of the fiscal year only. Wages for day labor may be given in totals by designating the general purpose or object for which the expenditure is to be made but the proposed rate per day for each class or kind of labor shall be set forth.

Expenditures under the general class of "maintenance and operation" shall be classified according to a standard classification to be established by the department of ~~intergovernmental relations~~ community affairs. Expenditures for "capital outlay" shall set forth and describe each object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately for each series or issue of bonds, and warrant interest and redemption requirements shall be set forth in a similar manner. Under the general class of "miscellaneous" expenditures for all purposes not listed in, or which cannot properly be assigned to any of the general classes, shall be set forth and itemized in detail.

(4) The total amount of emergency warrants issued during the preceding fiscal year shall be set forth with the amount issued for each emergency and the amount issued against each fund."

Section 14. Section 11-1406, R.C.M. 1947, is amended to read as follows:

"11-1406. Hearings on budget -- adoption --fixing of tax levy. (1) On the Wednesday preceding the second Monday in August the council shall meet at the time and place designated in the notice provided in section 11-1405, at which time any taxpayer may appear and be heard for or

against any part of the budget. The hearing shall be continued from day to day and shall be concluded and the budget finally approved and adopted on the second Monday in August and prior to the fixing of the tax levies by the council. The council may call in the official in charge of an office, department, service, or institution, at the time the estimates for their respective offices are under consideration, for examination concerning the estimates. The official shall be called in by the council upon the request of a taxpayer for questioning either by the council or a taxpayer upon the estimates.

(2) Upon the conclusion of the hearing the council shall first determine the amount estimated to accrue to each fund during the fiscal year from all sources, except the taxation of property. In so doing the council may not include any amount anticipated from the payment of taxes which became delinquent during a preceding fiscal year. The council shall then determine separately the amount appropriated for and authorized to be spent for each item in the budget and shall specify the fund against which warrants are to be drawn for the expenditures so authorized. There may not be added to the amount appropriated and authorized to be spent for an item or purpose, or to the total amount appropriated and authorized to be spent from any fund, other than a fund for the payment of principal or interest on

outstanding bonds, any amount because of anticipated loss of revenue by reason of nonpayment of taxes levied for the fiscal year. The expenditures authorized from a fund, including reserve, may not exceed the aggregate of:

(a) the cash balance in the fund at the close of the preceding fiscal year in excess of outstanding unpaid warrants against the fund at the close of that fiscal year.

(b) the amount of estimated revenues to accrue to the fund; and

(c) the amount which may be raised for the fund by a lawful tax levy during the fiscal year.

(3) The council shall then determine the amount to be raised for each fund, for which a tax levy is to be made, by adding the cash balance in excess of outstanding unpaid warrants at the close of the preceding fiscal year and the amount of the estimated revenues, if any, to accrue to the fund during the current fiscal year. It shall then deduct the total amount so obtained from the total amount of the appropriations and authorized expenditures from the fund as determined by the council in the budget adopted and approved. The amount remaining is the amount necessary to be raised for any fund by tax levy during the current fiscal year. The council may add to the amount necessary to be raised for any fund by tax levy during the current fiscal

year an additional amount, as a reserve to meet expenditures to be made from the fund during the months of July to November, of the next fiscal year. The amount added to any fund as a reserve may not exceed one-third (1/3) of the total amount appropriated and authorized to be spent from the fund during the current fiscal year, after deducting from the amount of the appropriations and authorized expenditures the total amount appropriated and authorized to be spent for election expenses and payment of emergency and other outstanding warrants. The total amount to be raised by tax levy for any fund during the current fiscal year, including the amount of the reserve, must not exceed the total amount which may be raised for the fund by a tax levy which does not exceed the maximum levy permitted by law to be made for the fund.

(4) The budget as finally determined, in addition to setting out separately each item for which an appropriation is made or expenditure authorized, and the fund out of which it is to be paid, shall set out the total amount appropriated and authorized to be spent from each fund, the cash balance, in excess of outstanding unpaid warrants, at the close of the preceding fiscal year, the amount estimated to accrue to the fund from sources other than taxation, the reserve for the next fiscal year, and the amount necessary to be raised for each fund by tax levy during the current

fiscal year. The council shall then by resolution approve and adopt the budget as finally determined, and the clerk shall enter it at length in the official minutes of the council.

(5) On the second Monday in August, and after the approval and adoption of the final budget, the council shall fix the tax levy for each fund at a rate, not exceeding limits prescribed by law, which will raise the amount set out in the budget as the amount necessary to be raised by tax levy for that fund during the current fiscal year. The taxable valuation of the city for the current fiscal year shall be the basis for determining the amount of the tax levy for each fund, and each tax levy shall be at a rate no higher than is required on that basis, without including any amount for anticipated tax delinquency, to raise the amount set out in the budget. Each levy shall be made in the manner provided by section 84-3802. If the council considers that a levy made for a bond sinking or interest fund will not provide a sufficient amount to pay all bond and interest becoming due during the current fiscal year, or within six (6) months after the current fiscal year, because of anticipated tax delinquency, the council may fix the levy at a rate it considers necessary to raise the amount for making the payments of principal and interest, over and above the anticipated tax delinquency.

(6) The city clerk shall, not later than September 15, forward a complete copy of the final budget, together with the tax levies, to the department of ~~intergovernmental relations~~ community affairs. If a city clerk fails to forward the copy of the budget to the department of ~~intergovernmental--relations~~ community affairs within the time required, the department of ~~intergovernmental-relations~~ community affairs shall, before October 1, notify the mayor and council of the city that a copy of the budget has not been forwarded by the city clerk. The council must then withhold from the city clerk his salary or compensation for the month of September until the city clerk presents the council with a notice from the department of ~~intergovernmental-relations~~ community affairs that the copy of the budget has been received."

Section 15. Section 11-1411, R.C.M. 1947, is amended to read as follows:

"11-1411. Department of ~~intergovernmental--relations~~ community affairs to make rules for carrying out act -- accounting systems. The department of ~~intergovernmental relations~~ community affairs shall make rules and classifications, and prescribe forms, necessary to carry out the provisions of this act. It shall define what expenditures are chargeable to each budget account, and shall establish accounting and cost systems necessary to

provide accurate budget information."

Section 16. Section 11-1829, R.C.M. 1947, is amended to read as follows:

"11-1829. Actuarial valuation and investment of police reserve funds. (1) The city treasurer shall submit to the department of ~~intergovernmental-relations~~ community affairs before October 1 in each odd-numbered year all information requested by the department of ~~intergovernmental-relations~~ community affairs necessary to complete an actuarial valuation of the police reserve funds. This valuation is to be prepared by a qualified actuary selected by the department of ~~intergovernmental-relations~~ community affairs. This valuation shall consider the actuarial soundness of the police reserve funds for the two (2) preceding fiscal years. A qualified actuary is a member of the American Academy of Actuaries or of any organization deemed by the department of ~~intergovernmental---relations~~ community affairs to have similar standards. In each fiscal year in which an actuarial valuation is prepared, the department of ~~intergovernmental relations~~ community affairs shall submit to the state auditor a request for payment of the expense incurred in securing the actuarial valuation. The expense may not exceed six thousand dollars ($6,000) in any fiscal year and the state auditor shall make payment to the actuary designated in the request.

(2) Whenever the monies in the police reserve fund exceed:

(a) one and one-half (1-1/2) times the monthly benefit paid in the preceding month, or

(b) five thousand dollars ($5,000), whichever is greater, then the city treasurer shall remit such excess amounts to the state treasurer. The state treasurer shall invest such remittances under the direction of the state board of investments as provided by section 79-311.

(3) After January 1, 1975, all investments of the police reserve fund shall be transferred as directed by the state board of investments. The state board of investments may defer any such transfer to a date later than January 1, 1975, but not later than the maturity date of the investment. The board of investment may make rules to implement this section."

Section 17. Section 11-1914, R.C.M. 1947, is amended to read as follows:

"11-1914. Duties of trustees -- investment of surplus funds. (1) The board of trustees of the fire department relief association shall audit the accounts of the association at least every six (6) months and shall report the condition of them at the next regular meeting of the association. The management of the fire department relief associations in municipalities other than in first and

second class cities shall be vested in the board of trustees. When so directed by a majority vote of the members of the association, the board of trustees may invest the surplus funds of the association or any part of them, in any time or saving deposits, in any solvent bank, building and loan association or savings and loan association operating in the county where the city or town is located, in bonds or other securities of the United States government, in general obligation bonds or warrants of any state, county or city as are recommended by the state auditor and approved by the department of ~~intergovernmental relations~~ community affairs. At the time of purchase the investments must be stamped in boldface type, substantially as follows: "Property of the .... Fire Department Relief Association, and negotiable only upon the order of the board of trustees of such association." Provided, however, that when the average yield on investments of public retirement funds under the state board of investments exceeds by one percent (1%) in any fiscal year the investment yield of said fire department relief association funds such funds shall be remitted to the state treasurer for investment by the state board of investments as is provided in the provisions of this section for associations in first and second class cities; and said fire department relief association shall submit every six (6) months a financial statement detailing their investments

to the department of ~~intergovernmental--relations~~ community affairs; and the department shall advise said fire department relief association of the current yield of investment of public retirement funds.

(2) The management of the fire department relief associations in first and second class cities shall be vested in the board of trustees of such associations subject to the following provisions of this section.

The board of trustees shall submit to the department of ~~intergovernmental-relations~~ community affairs before October 1 in each odd-numbered year, all information requested by the department of ~~intergovernmental--relations~~ community affairs necessary to complete an actuarial valuation of the funds of the association. This valuation is to be prepared by a qualified actuary selected by the department of ~~intergovernmental---relations~~ community affairs. This valuation shall consider the actuarial soundness of the association's funds for the two (2) preceding fiscal years. A qualified actuary is a member of the American Academy of Actuaries or of any other organization deemed by the municipal audit division to have similar standards. In each fiscal year in which an actuarial valuation is prepared, the department of ~~intergovernmental-relations~~ community affairs shall submit to the state auditor a request for payment of the expenses incurred in securing the actuarial valuation.

These expenses may not exceed six thousand dollars ($6,000) in any fiscal year and the state auditor shall make payment to the actuary designated by the request.

(3) Whenever the monies in the disability and pension fund exceed:

(a) one and one-half (1 1/2) times the monthly benefit paid in the preceding month, or

(b) five thousand dollars ($5,000), whichever is greater, then the board shall remit such excess amounts to the state treasurer. The state treasurer shall invest such remittances under the direction of the state board of investments as provided by section 79-311.

(4) After January 1, 1975, all investments held by a board of trustees shall be transferred as directed by the state board of investments. The state board of investments may defer any such transfer to a date later than January 1, 1975, but not later than the maturity date of the investment. The state board of investment may make rules to implement this section."

Section 18. Section 11-1923, R.C.M. 1947, is amended to read as follows:

"11-1923. Annual report of the secretary and treasurer, prescribing qualifications for membership, official bond of the treasurer and examination of books and accounts. (1) The secretary and treasurer of every fire

department relief association shall annually prepare a detailed report of its receipts and expenditures for the preceding year, showing to whom and for what purposes the money has been paid and spent, and file it with the association, and a duplicate with the state auditor. No money may be paid to the treasurer of the fire department relief association until the report is filed. No one serving as a substitute or on probation, nor a person who has not been confirmed a member of an organized fire department, is eligible for membership in the relief association. No treasurer of an association may enter upon his duties until he has given to the association a sufficient bond of not less than fifty per cent (50%) of the amount of the cash funds and securities of the association, for the faithful performance of his duties according to law. The amount of the bond shall be approved and paid for by the association. The official bond may not exceed twenty-five thousand dollars ($25,000).

(2) Upon a majority vote of the members of the association, the city or town treasurer shall be ex officio treasurer of the fire department relief association and the official bond of the city or town treasurer shall cover the faithful discharge of his duties as ex officio treasurer of the fire department relief association. The cash in the firemen's relief fund shall have the same protection as to

depository securities furnished by banks as the other funds of the city or town. All of the financial books and accounts of the association are subject at all times to examination by the department of ~~intergovernmental relations~~ community affairs.

(3) Upon complaint being made to it that the money or any part of it paid to the treasurer of the association has been or is being spent for an unauthorized purpose, and if the money upon examination is found to have been spent contrary to the authority given, the department of ~~intergovernmental---relations~~ community affairs shall so report to the governor, upon whose directions to the state auditor no further warrants may be issued to the fire department relief association treasurer until the money so spent has been returned."

Section 19. Section 11-3862, R.C.M. 1947, is amended to read as follows:

"11-3862. Surveys required -- exceptions -- standards for monumentation. (1) All divisions of land for sale other than a subdivision after the effective date of this act into parcels which cannot be described as 1/32 or larger aliquot parts of a United States government section or a United States government lot must be surveyed by or under the supervision of a registered land surveyor.

(2) Every subdivision of land after June 30, 1973,

shall be surveyed and platted in conformance with this act by or under the supervision of a registered land surveyor. Subdivision plats shall be prepared and filed in accordance with this act and regulations adopted pursuant thereto. All division of sections into aliquot parts and retracement of lines must conform to United States bureau of land management instructions, and all public land survey corners shall be filed in accordance with Corner Recordation Act of Montana (sections 67-2001 through 67-2019). Engineering plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body shall be prepared and filed by a registered engineer or a registered land surveyor as their respective licensing laws allow in accordance with this act and regulations adopted pursuant thereto.

(3) The county clerk and recorder of any county shall not record any instrument which purports to transfer title to or possession of a parcel or tract of land which is required to be surveyed by this act unless the required certificate of survey or subdivision plat has been filed with the clerk and recorder and the instrument of transfer describes the parcel or tract by reference to the filed certificate or plat.

(4) Instruments of transfer of land which is acquired

for state highways may refer by parcel and project number to state highway plans which have been recorded in compliance with section 32-2413, and are exempted from the surveying and platting requirements of this act; provided, however, that if such parcels are not shown on highway plans of record, instruments of transfer of such parcels shall be accompanied by and refer to appropriate certificates of survey and plats when presented for recording.

(5) The provisions of this act shall not apply to the division of state-owned land unless the division creates a second or subsequent parcel from a single tract for sale, rent or lease for residential purposes after July 1, 1974.

(6) Unless the method of disposition is adopted for the purpose of evading this act, the following divisions of land are not subdivisions under this act but are subject to the surveying requirements of this section for divisions of land not amounting to subdivisions.

(a) Divisions made for the purpose of relocating common boundary lines between adjoining properties.

(b) Divisions made for the purpose of a gift or sale to any member of the landowner's immediate family.

(c) Divisions made by sale or agreement to buy and sell where the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the

divided land will be used exclusively for agricultural purposes. Any change in use of the land for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(d) A single division of a parcel when the transaction is an occasional sale.

(7) Subdivisions created by rent or lease are exempt from the surveying and filing requirements of this act but must be submitted for review and approved by the governing body before portions thereof may be rented or leased.

(8) Unless the method of disposition is adopted for the purpose of evading this act, the requirements of this act shall not apply to any division of land:

(a) which is created by order of any court of record in this state or by operation of law, or which, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain (sections 93-9901 through 93-9926);

(b) which is created by a lien, mortgage, or trust indenture;

(c) which creates an interest in oil, gas, minerals, or water which is now or hereafter severed from the surface ownership of real property;

(d) which creates cemetery lots;

(e) which is created by the reservation of a life estate;

(f) which is created by lease or rental for farming and agricultural purposes.

(9) The sale, rent, lease, or other conveyance of one or more parts of a building, structure, or other improvement situated on one or more parcels of land is not a division of land, as that term is defined in this act, and is not subject to the requirements of this act.

(10) The department of ~~intergovernmental--relations~~ community affairs shall, in conformance with the Montana Administrative Procedure Act (sections 82-4201 through 82-4225), prescribe uniform standards for monumentation and for the form, accuracy, and descriptive content of records of survey.

(11) It shall be the responsibility of the governing body to require the replacement of all monuments removed in the course of construction."

Section 20. Section 11-3863, R.C.M. 1947, is amended to read as follows:

"11-3863. Enforcement by governmental subdivisions -- adoption of regulations -- public hearing. (1) The governing body of every county, city, and town shall, before July 1, 1974, adopt and provide for the enforcement and administration of subdivision regulations reasonably

providing for the orderly development of their jurisdictional areas; for the co-ordination of roads within subdivided land with other roads, both existing and planned; for the dedication of land for roadways and for public utility easements; for the improvement of roads; for the provision of adequate open spaces for travel, light, air and recreation; for the provision of adequate transportation, water, drainage, and sanitary facilities; for the avoidance or minimization of congestion; and for the avoidance of subdivision which would involve unnecessary environmental degradation; and the avoidance of danger of injury to health, safety, or welfare by reason of natural hazard or the lack of water, drainage, access, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services.

Prior to adopting or amending subdivision regulations pursuant to this act, the governing body shall submit the proposed regulations or amendments to the division of planning and economic development of the department of ~~intergovernmental relations~~ community affairs for review.

Before the governing body adopts subdivision regulations pursuant to this section it shall hold a public hearing thereon and shall give public notice of its intent to adopt such regulations and of the public hearing by publication of notice of the time and place of the hearing

in a newspaper of general circulation in the county not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing.

(2) Not later than December 31, 1973, the department of ~~intergovernmental--relations~~ community affairs, through its division of planning, shall, in conformance with the Montana Administrative Procedure Act (sections 82-4201 through 82-4225), prescribe reasonable minimum requirements for subdivision regulations adopted pursuant to this act. The minimum requirements shall include detailed criteria for the content of the environmental assessment required by this act. The department shall provide for the review of preliminary plats by those agencies of state and local government and affected public utilities having a substantial interest in a proposed subdivision; provided, however, that such agency or utility review shall not delay the governing body's action on the plat beyond the time limit specified herein, and the failure of any agency to complete a review of a plat shall not be a basis for rejection of the plat by the governing body.

(3) In prescribing the minimum contents of the subdivision regulations, the department of ~~intergovernmental relations~~ community affairs, through its division of planning, shall require the submission by the subdivider to the governing body of an environmental assessment.

(3.1) When a subdivision is proposed in an area for which a master plan has been adopted pursuant to sections 11-3801 through 11-3856 and the proposed subdivision will be in compliance with the plan or when the subdivision will contain fewer than ten (10) parcels and less than twenty (20) acres, a planning board established pursuant to sections 11-3801 through 11-3856 and having jurisdiction over the area involved may exempt the subdivider from the completion of all or any portion of the environmental assessment. When such an exemption is granted, the planning board shall prepare and certify a written statement of the reasons for granting the exemption. A copy of this statement shall accompany the preliminary plat of the subdivision when it is submitted for review. Where no properly established planning board having jurisdiction exists, the governing body may grant exemptions as specified in this paragraph.

(4) Where required the environmental assessment shall accompany the preliminary plat and shall include:

(a) a description of every body or stream of surface water as may be affected by the proposed subdivision, together with available ground water information, and a description of the topography, vegetation and wildlife use within the area of the proposed subdivision;

(b) maps and tables showing soil types in the several parts of the proposed subdivision, and their suitability for

any proposed developments in those several parts;

(c) a community impact report containing a statement of anticipated needs of the proposed subdivision for local services, including education and busing, roads and maintenance, water, sewage, and solid waste facilities, and fire and police protection;

(d) such additional relevant and reasonable information as may be required by the department through its division of planning.

(5) Local subdivision regulations shall include procedures for the summary review and approval of subdivision plats containing five (5) or fewer parcels where proper access to all lots is provided, where no land in the subdivision will be dedicated to public use for parks or playgrounds and which have been approved by the department of health and environmental sciences where such approval is required by sections 69-5001 through 69-5005; provided that reasonable local regulations may contain additional requirements for summary approval.

(6) Subdivision regulations may authorize the governing body to grant variances from the regulations when strict compliance will result in undue hardship and when it is not essential to the public welfare. Any variance granted pursuant to this subsection must be based on specific variance criteria contained in the subdivision regulations.

(7) Local regulations may provide that in lieu of the completion of the construction of any public improvements prior to the approval of a final plat, the governing body shall require a bond or other reasonable security, in an amount and with surety and conditions satisfactory to it, providing for and securing the construction and installation of such improvements within a period specified by the governing body and expressed in the bonds or other security.

(8) In the event that any governing body has not adopted subdivision regulations by July 1, 1974, which meet or exceed the prescribed minimum requirements, the department shall, through its division of planning, no later than January 1, 1975, promulgate reasonable regulations to be enforced by the governing body. If at any time thereafter the governing body adopts its own subdivision regulations, these shall supersede those promulgated by the department but shall be no less stringent."

Section 21. Section 11-4110, R.C.M. 1947, is amended to read as follows:

"11-4110. Advice and information by department of ~~intergovernmental----relations~~ community affairs. The department of ~~intergovernmental-relations~~ community affairs shall furnish advice and information in connection with a project when requested to do so by a county or municipality."

Section 22. Section 16-1901, R.C.M. 1947, is amended to read as follows:

"16-1901. County budget -- estimates by county officers of revenues and expenditures -- form of estimates -- penalty for failure to file. (1) Before June 1 each year the county clerk and recorder shall notify in writing each county official in charge of an office, department, service, or institution of the county to file with the county clerk and recorder, before June 10, detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by the office, department, service, or institution for the next fiscal year. The county commissioners shall submit to the county clerk and recorder the estimate of expenditures for all purposes for the board, and a detailed statement showing all new road and bridge construction to be financed from county road and bridge funds, from any special road or bridge funds, from any special highway fund, and from bond issues issued or authorized for the next fiscal year, together with the cost of that construction as computed by the county surveyor, or if for construction in charge of a special engineer then by that engineer. The county surveyor and any special engineer shall prepare the estimates of cost of road and bridge construction for the county commissioners. They shall also submit a similar statement

showing road and bridge maintenance expenditures as nearly as can be estimated.

(2) The county commissioners shall also submit to the county clerk and recorder detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bond issues not yet authorized and from the proceeds of tax levies which are required to be approved at an election to be held.

(3) The estimates required in this section shall be submitted on forms provided by the county clerk and recorder, and prescribed by the department of ~~intergovernmental--relations~~ community affairs, and may only be varied or departed from with permission and approval of that department. The county treasurer shall prepare the estimates for interest and debt reduction. The county clerk and recorder shall prepare all other estimates which properly fall within the duties of his office.

(4) Each of the officials shall file the estimates within the time and in the manner provided in the form and notice, and the county clerk shall withhold, as a penalty, from the salary of each official failing or refusing to file the estimates ten dollars ($10) for each day of delay. The total penalty against any official may not exceed fifty dollars ($50) in one year. In the absence or disability of an official the duties required by this section devolve upon

the official or employee in charge of the office, department, service, or institution. The notice shall contain a copy of this penalty clause."

Section 23. Section 16-1902, R.C.M. 1947, is amended to read as follows:

"16-1902. Tabulation by clerk of expenditure program -- classifications -- items included in. (1) From those estimates the county clerk and recorder shall prepare a tabulation showing the complete expenditure program of the county for the current fiscal year, and the sources of revenue by which it is to be financed. The tabulation shall set forth the estimated receipts from all sources other than taxation for each office, department, service, or institution for the current fiscal year, the actual receipts for the last completed fiscal year, the surplus or unencumbered treasury balances at the close of that last fiscal year, and the amount necessary to be raised by taxation; the estimated expenditure for each office, department, service, or institution for the current fiscal year, the actual expenditures for the last completed fiscal year, and all contracts or other obligations which will affect the current year revenues.

(2) The estimates, appropriations, and expenditures shall be classified as:

(a) salaries and wages;

(b) maintenance and operation;

(c) capital outlay;

(d) interest and debt redemption;

(e) miscellaneous; and

(f) expenditures proposed to be made from bond issues not yet authorized, or from the proceeds of a tax levy or levies which are required to be submitted to and approved at an election to be held later.

(3) Within the general class of salaries and wages each salary shall be set forth separately together with the title or position of the recipient. An unitemized appropriation may be made to cover the expenses of special deputies or assistants in any office where the services of such special deputies or assistants may be required during a part of the fiscal year only. Wages for day labor may be given in totals by designating the general purpose or object for which the expenditure is to be made, but the proposed rate per day for each class or kind of labor shall be set forth. Expenditures under the general class of maintenance and operation shall be classified according to a standard classification to be established by the department of ~~intergovernmental relations~~ community affairs. Expenditures for capital outlay shall set forth and describe each object of expenditure separately. Under the general class of interest and debt redemption, proposed expenditures for

interest and for redemption of principal shall be set forth separately for each series or issue of bonds, and warrant interest and redemption requirements shall be set forth in a similar manner. Under the general class of miscellaneous, expenditures for all purposes, not listed in or which cannot properly be assigned to any of the general classes, shall be set forth and itemized in detail.

(4) The total amount of emergency warrants issued during the preceding fiscal year shall be set forth with the amount issued for each emergency and the amount issued against each fund."

Section 24. Section 16-1903, R.C.M. 1947, is amended to read as follows:

"16-1903. Consideration of budget by commissioners -- notice of budget meeting. The tabulation shall be submitted to the county commissioners by the county clerk and recorder on or before the first Monday of July. Upon receipt thereof the board of county commissioners shall immediately consider the budget in detail, and shall on or before the second Monday of July make any revisions, reductions, additions, or changes that they consider advisable. The tabulation, with any revisions, reductions, additions, or changes, is the preliminary budget for the fiscal year which it is intended to cover. Upon completion of the budget, the county clerk shall immediately transmit one copy of it to the department

of ~~intergovernmental--relations~~ community affairs and one copy to the department of revenue. The board of county commissioners shall then have a notice published stating that the board has completed its preliminary county budget for the current fiscal year, that the budget is open to inspection in the office of the county clerk and recorder, and that the board will meet on the Wednesday before the second Monday in August to fix the final budget and make appropriations. The notice shall state the time and place of the meeting and that any taxpayer may appear and be heard for or against any part of the budget. The notice shall be published at least one time in a newspaper of general circulation in the county."

Section 25. Section 16-1904, R.C.M. 1947, is amended to read as follows:

"16-1904. Hearings on budget -- adoption -- fixing tax levies. (1) On the Wednesday before the second Monday in August the county commissioners shall meet at the time and place designated in the notice provided for in section 16-1903, at which time any taxpayer may appear and be heard for or against any part of the budget. The hearing shall be continued from day to day and shall be concluded and the budget approved and adopted on the second Monday in August and before the fixing of the tax levies by the board.

(2) Upon the conclusion of the hearing the board shall

first determine the amount estimated to accrue to each fund during the fiscal year from all sources, except the taxation of property. In so doing the board may not include any amount which it is anticipated may be received during the fiscal year from the payment of taxes which became delinquent during a preceding fiscal year. The board shall then determine separately the amount appropriated for and authorized to be spent for each item in the budget and shall specify the fund or funds against which warrants are to be drawn and issued for each item in the budget and shall specify the fund or funds against which warrants are to be drawn for the expenditures authorized. There may not be added to the amount to be appropriated and authorized to be spent for an item, or to the total amount appropriated and authorized to be spent from any fund, any amount or percentage because of anticipated loss of revenue by reason of the nonpayment of taxes levied for that fiscal year. The total expenditures authorized to be made from any fund, including the reserve added to them, may not exceed the aggregate of:

(a) the cash balance in the fund at the close of the preceding fiscal year;

(b) the amount of estimated revenues to accrue to the funds; and

(c) the amount which may be raised for the fund by a

lawful tax levy during the fiscal year.

(3) The board shall then determine the amount to be raised for each fund by tax levy by adding the cash balance in the fund at the close of the preceding fiscal year and the amount of the estimated revenues to accrue to the fund during the current fiscal year. It shall then deduct the total amount so obtained from the total amount of the appropriations and authorized expenditures from the fund as determined by the board. The amount remaining is the amount necessary to be raised for the fund by tax levy during the current fiscal year. The board may add to the amount necessary to be raised for any fund by tax levy during the current fiscal year, an additional amount as a reserve to meet expenditures to be made from the fund during the months of July to November of the next fiscal year. The amount which may be so added to any fund, as the reserve may not exceed one-third (1/3) of the total amount appropriated and authorized to be spent from the fund during the current fiscal year, after deducting from the amount of the appropriations and authorized expenditures the total amount appropriated and authorized to be spent for election expenses and payment of emergency warrants. The total amount to be raised by tax levy for any fund during the current fiscal year, including the amount of the reserve and any amount for payment of election expenses and emergency

warrants, may not exceed the total amount which may be raised for the fund by a tax levy which does not exceed the maximum levy permitted by law to be made for the fund.

(4) If the cash balance remaining in any of the several county funds, except the school fund, at the end of a fiscal year, exceeds the amount to be budgeted to that fund, the excess may be transferred to other funds as the county commissioners consider to be in the best interest of the county after a public hearing. Notice of the hearing must be given not less than thirty (30) days prior to the hearing by publication in a newspaper of general circulation in the county and by posting in five (5) public places. The notice must state the date, time, and place of the hearing and state generally the purpose and proposed use of the funds.

(5) The budget as finally determined, in addition to setting out separately each item for which an appropriation or expenditure is authorized and the fund out of which it is to be paid, shall set out the total amount appropriated and authorized to be spent from each fund, the cash balance in the fund at the close of the preceding fiscal year, the amount estimated to accrue to the fund from sources other than taxation, the reserve for the next fiscal year, and the amount necessary to be raised for each fund by tax levy during the current fiscal year. The board shall then by

resolution approve and adopt the budget as finally determined and enter the budget at length in the official minutes of the board.

(6) On the second Monday in August, and after the approval and adoption of the final budget, the board of county commissioners shall fix the tax levy for each fund at a rate which will raise the amount set out in the budget as the amount necessary to be raised by tax levy for the fund during the current fiscal year. The taxable valuation of the county for the current fiscal year shall be the basis for determining the amount of the tax levy for each fund. Each tax levy shall be at a rate no higher than is required on that basis, without including any amount for anticipated tax delinquency, to produce the amount set out in the budget without including any amount for anticipated tax delinquency, as being the amount to be raised by tax levy. The tax levy shall be made in the manner provided by section 84-3802.

(7) The county clerk and recorder shall, not later than September 15, forward a full and detailed copy of the final budget, together with the tax levies, to the department of ~~intergovernmental--relations~~ community affairs. If a county clerk and recorder fails to forward a copy of the budget to the department within that time, that department shall, before October 1, notify the board of county commissioners

of the county that a copy of the budget has not been forwarded by the county clerk and recorder. The board of county commissioners must then withhold the county clerk and recorder's salary for September until the county clerk and recorder files with the board a receipt from the department showing the receipt of a copy."

Section 26. Section 16-1909, R.C.M. 1947, is amended to read as follows:

"16-1909. Department of ~~intergovernmental--relations~~ community affairs to make rules -- accounting systems. The department of ~~intergovernmental-relations~~ community affairs shall make rules and classifications, and prescribe forms, necessary to carry out the provisions of sections 16-1901 through 16-1904 and 16-1906 through 16-1911, to define what expenditures are chargeable to each budget account, and to establish accounting and cost systems necessary to provide accurate budget information."

Section 27. Section 16-2049, R.C.M. 1947, is amended to read as follows:

"16-2049. Petty cash fund. The board of county commissioners, with the approval of the department of ~~intergovernmental-relations~~ community affairs, may set aside a sum of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) out of the general fund, which shall be known as a petty cash fund, for the purpose

HB316

of paying incidental expenses such as freight, express, postage, and other similar items which must be paid in cash at time of delivery. In counties having a county auditor, the county auditor is responsible for expenditures from the petty cash fund. In counties not having a county auditor, the county clerk is responsible for expenditures from the petty cash fund."

Section 28. Section 16-2618, R.C.M. 1947, is amended to read as follows:

"16-2618. Deposit of public funds by county, city and town treasurers. (1) It shall be the duty of all county, city and town treasurers to deposit all public moneys in their possession and under their control in any solvent banks, building and loan associations or savings and loan associations located in the county, city or town of which such treasurer is an officer, subject to national supervision or state examination as the board of county commissioners in the case of a county, or of the council in the case of a city or town, may designate, and no other. The treasurer shall take from such bank, building and loan association or savings and loan association such security as the board of county commissioners, in the case of a county, or the council in the case of a city or town, may prescribe, approve and deem fully sufficient and necessary to insure the safety and prompt payment of all such deposits, together

with the interest on any time or savings deposits, provided that said board of county commissioners or city or town council is hereby authorized to deposit such public moneys not necessary for immediate use by such county, city or town with any bank, building and loan association or savings and loan association authorized herein above in a savings or time deposit; provided that the bank or banks or building and loan association or savings and loan association in which the money is deposited shall pay on the moneys no less than the rate of interest as is paid on money from private sources on the same terms. Refusal of any bank, building and loan association or savings and loan association to pay said interest rate shall constitute a waiver of that institution's right to participate in the ratable distribution of said moneys as set forth in subsection (4) of this act, and provided that said board of county commissioners, or city or town council is hereby authorized to invest such public moneys not necessary for immediate use by such county, city or town, in direct obligations of the United States government, payable within not to exceed one hundred eighty (180) days from the time of such investment.

(2) Said board of county commissioners, city or town council may require security for only such portion of deposits as is not guaranteed or insured according to law. Such security shall consist of cashier's check or checks

issued by the Federal Reserve Bank, bonds of the United States government and its dependents, bonds guaranteed by the United States government or its dependents, bonds and warrants of the state of Montana, bonds and warrants of any county of the state of Montana, and bonds of any city, town or school district of the state of Montana, which are a general obligation of such county, city, town or school district, bonds of the Federal Land Banks, Federal Intermediate Credit Bank debentures, Federal Home Loan Bank notes and bonds, Bank for Co-operatives' debentures, Federal National Mortgage Association notes, bonds and guaranteed certificates of participation, obligations of or fully guaranteed by the Government National Mortgage Association, Farmers' Home Administration insured notes, notes fully guaranteed as to principal and interest by the Small Business Administration, Federal Housing Administration debentures, general obligation bonds of other states and counties of other states and bonds issued in the United States of America, which are quoted on the New York market which shall be acceptable at not to exceed ninety per centum (90%) of such market quotation.

(3) When negotiable securities are furnished, such securities may be placed in trust and the trustee's receipt may be accepted in lieu of the actual securities when such receipt is in favor of the treasurer, his successors and the

state of Montana, and the form of receipt and the trustee have been approved by the department of ~~intergovernmental relations~~ community affairs. All warrants or other negotiable securities must be properly assigned or endorsed in blank. It shall be the duty of the board of county commissioners in the case of county funds, or the council in the case of funds of a city or town, upon the acceptance and approval of any of the above-mentioned bonds or securities, to make a complete minute entry of such acceptance and approval upon the record of their proceedings, and such bonds and securities shall be reapproved at least quarter annually thereafter.

(4) (a) Demand deposits shall be placed only in banks. When more than one bank is available in any county, for the deposit of such county funds, or in any city or town for the deposit of such city or town funds, such demand deposits shall be distributed ratably among all of such banks qualifying therefor, substantially in proportion to paid-in capital and surplus of each such bank willing to receive such demand deposits under the terms of this act, and it shall be the duty of said county, city or town treasurer to prorate all such demand deposits among all of the banks qualified to receive the same as in this act provided, to the end that an equitable distribution of such demand deposits shall be maintained.

(b) Such public moneys not necessary for immediate use by such county, city or town which are not invested in direct obligations of the United States government as authorized herein shall be placed in time or savings deposits with any bank, building and loan association or savings and loan association in the county, city or town. When more than one bank, building and loan association or savings and loan association is available in any county, for the deposit of such county funds, or in any city or town for the deposit of such city or town funds, such funds shall be distributed ratably among all of such banks, building and loan associations and savings and loan associations qualifying therefor, substantially in proportion to the total property taxes paid in such county or the county in which such city or town is located during the preceding year, including taxes on shares of bank stock, by each such bank, building and loan association or savings and loan association willing to receive such time or savings deposits under the terms of this act, and it shall be the duty of said county, city or town treasurer to prorate all such time or savings deposits among all of the banks, building and loan associations and savings and loan associations qualified to receive the same as in this act provided, to the end that an equitable distribution of such time or savings deposits shall be maintained.

(5) Whenever it shall come to the attention of the department of ~~intergovernmental relations~~ community affairs that the funds of any county, city or town are not properly distributed as provided in this act, the department of ~~intergovernmental relations~~ community affairs shall order the treasurer of such county, city or town to distribute said funds in accordance herewith, and if such treasurer shall refuse or neglect to comply with such order, it shall be the duty of the department of ~~intergovernmental relations~~ community affairs to institute proceedings against such treasurer at the cost of the county, city or town of which such treasurer is an officer, on the official bond of such treasurer. If no such bank, building and loan associations or savings and loan associations exists in the county, city or town, or if any banks, building and loan associations or savings and loan associations existing therein fails or refuses to qualify under the terms of this act to receive such deposits, then and in such case, or in either of such cases, such moneys as have not been accepted by any banks, building and loan associations or savings and loan associations within said county, city or town, shall be deposited under the terms of this act, in the banks, building and loan associations or savings and loan associations most convenient to such county, city or town, willing to accept such deposits under the terms of this act,

and qualified as above provided. Any banks, building and loan associations or savings and loan associations receiving such deposits, shall, through its president and cashier or secretary, make a statement quarter annually of account, under oath, showing all such moneys that have been deposited with such bank, building and loan association or savings and loan association during the quarter, the amount of daily balance in dollars, and the amount of interest by such banks, building and loan associations or savings and loan associations credited or paid therefor, and showing that neither such bank, building and loan association or savings and loan association nor any officer thereof, nor any person for it, has paid or given any consideration or emolument whatsoever to the treasurer or to any other person other than the interest provided for herein, for or on account of the making of such deposits, with any such bank, building and loan association or savings and loan association. All such deposits shall be subject to withdrawal by the treasurer in such amounts as may be necessary from time to time, and no deposit of funds shall be made, or permitted to remain in any bank, building and loan association or savings and loan association, until the security for such deposits shall have been first approved by the board of county commissioners in the case of county funds, or by the council in the case of city or town funds, and delivered to the

treasurer.

(6) Except as provided in subsection (8) of this section, all interest paid and collected on such deposits or investments shall be credited to the general fund of the county, city or town to whose credit such funds are deposited. Where moneys shall have been deposited in accordance with the provisions of this act, the treasurer shall not be liable for loss on account of any such deposit that may occur through damage by the elements or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct.

(7) Any bank, building and loan association or savings and loan association pledging securities as provided in this act at any time it deems advisable or desirable may substitute like securities for all or any part of the securities pledged. The collateral so substituted shall be approved by the governing body of the county, city or town at its next official meeting. Such securities so substituted shall at the time of substitution be at least equal in principal amount to the securities for which substitution is made. In the event that the securities so substituted are held in trust, the trustee shall, on the same day the substitution is made, forward by registered or certified mail to the county, city or town and to the depository bank, building and loan association or savings and loan

association, a receipt specifically describing and identifying both the securities so substituted and those released and returned to the depository bank, building and loan association or savings and loan association.

(8) Whenever in the judgment of the trustees of any common school district, high school district, or county high school it would be advantageous to invest any money of such school or school district in savings or time deposits in a state or national bank, building and loan association or savings and loan association insured by the F.D.I.C. or the F.S.L.I.C., or in direct obligations of the United States government, payable within one hundred eighty (180) days from the time of investment, such governing body may in its discretion direct the county treasurer to make such investments. All interest collected on such deposits or investments shall be credited to the fund from which the money was withdrawn, provided that nothing in this act shall be interpreted to conflict with section 16-2050."

Section 29. Section 16-2621, R.C.M. 1947, is amended to read as follows:

"16-2621. Director of department of ~~intergovernmental relations~~ community affairs to sign trustee and deposit receipts. The director of the department of ~~intergovernmental-relations~~ community affairs shall sign all trustee and deposit receipts and releases required to be

signed on behalf of the state in all cases where negotiable securities are placed in trust with a trustee in place of the actual securities, for security of county, city, and town deposits, under the laws of the state relating to the deposit of county, city, and town funds."

Section 30. Section 16-2625, R.C.M. 1947, is amended to read as follows:

"16-2625. Must permit department of ~~intergovernmental relations~~ community affairs and county clerk to examine books. (1) The treasurer must permit the department of ~~intergovernmental-relations~~ community affairs and county clerk or the board of county commissioners to examine his books and count the money in the treasury, when any of them wants to make an examination or counting.

(2) The county clerk and recorder at the close of business each month shall count the cash in the office of the county treasurer and shall certify the amount in detail to the department of ~~intergovernmental--relations~~ community affairs, retaining a copy of the certification in his office."

Section 31. Section 16-2924, R.C.M. 1947, is amended to read as follows:

"16-2924. Annual report of county clerk. Within forty days after the close of each fiscal year, the county clerk shall make out and present to the board of county

commissioners and the department of ~~intergovernmental relations~~ community affairs a complete statement of the financial condition of the county. The statement shall be made out on the form designated by the department of ~~intergovernmental relations~~ community affairs and must show:

(1) A detailed description of all of the resources and liabilities of the county and the book value of them;

(2) The amount of moneys received showing the source of that revenue;

(3) The amount of moneys disbursed, with the purpose of disbursement;

(4) The operation of each of the cash and warrant accounts, showing the balance at the beginning of the year, the credits, the debits, and the balance at the end of the year~~.~~;

(5) The assessed valuation of the real and personal property of the county, the rate of taxation, the amount of taxes delinquent for the preceding years, and such other items the department of ~~intergovernmental---relations~~ community affairs may prescribe."

Section 32. Section 25-231, R.C.M. 1947, is amended to read as follows:

"25-231. Fees of county clerks. The county clerks must charge, for the use of their respective counties:

(1) For recording and indexing a written instrument

allowed by law to be recorded, except as otherwise provided in this section:

(a) For the first folio, sixty cents (60¢), and for each subsequent folio or fraction of one, thirty cents (30¢);

(b) For each entry in index, twenty cents (20¢);

(c) For a certificate that an instrument has been recorded with seal affixed, one dollar ($1);

(2) For recording and indexing each real estate mortgage, or an assignment, renewal, or release of a real estate mortgage:

(a) For each folio, forty cents (40¢);

(b) For each entry in index, twenty cents (20¢);

(c) For a certificate that the mortgage, assignment, or release has been recorded with seal affixed, one dollar ($1);

(3) For recording and indexing each certificate of location of a quartz or placer mining claim, millsite claim, or notice of appropriation of water, including a certificate that the instrument has been recorded with seal affixed, four dollars ($4);

(4) For recording and indexing each affidavit of annual labor on a mining claim, including certificate that the instrument has been recorded with seal affixed, two dollars ($2) for the first mining claim in the affidavit,

and fifty cents (50¢) for each additional mining claim included in it;

(5) For filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, one dollar ($1);

(6) For filing and indexing each certificate of incorporation or annual statement of a corporation, two dollars ($2);

(7) For recording and platting each townsite or map:

(a) For each lot up to and including one hundred, fifty cents (50¢);

(b) For each additional lot in excess of one hundred, ten cents (10¢);

(c) For recording the field notes of survey of a townsite, per folio, fifty cents (50¢).

(8) Where recording is done by photographic or similar process the county clerk and recorder shall charge, for filing and indexing, two dollars ($2) for each page or fraction of a page of the instrument~~.~~;

(9) For a copy of a record or paper, for each folio, thirty cents (30¢) and for each certification with seal affixed, one dollar ($1). In all cases where copies of a record or paper are to be certified by the county clerk and the copy is furnished to the clerk for certification, the clerk shall not charge a fee for the comparison of the copy,

other than the fee of one dollar ($1) for his certificate and seal~~.~~;

(10) For searching an index record of files of the office, for each year when required, in abstracting or otherwise, thirty cents (30¢);

(11) For each entry of discharge or satisfaction of a mortgage, lien, or other instrument on the margin of record of it, or upon the original instrument, and noting the entry in the indexes concerned, fifty cents (50¢);

(12) For administering an oath with certificate and seal, no charge;

(13) For taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(14) For recording and indexing an instrument which may be recorded under section 73-104, and which pertains to land allotted to an Indian or land within an Indian reservation, except fee patents, no charge;

(15) For filing, indexing, or other services provided for by sections 87A-9-401 through 87A-9-407, the fees prescribed in those sections;

(16) For filing, recording, or indexing any other instrument not expressly provided for in this section, the same fee provided in this section for a similar service;

(17) On each instrument delivered to him for recording, the county clerk shall endorse on it all charges made for

each service and the endorsement shall be recorded as a part of the instrument in his office in order that the department of ~~intergovernmental-relations~~ community affairs may verify the charges and may see that they have been properly entered on the fee book or reception record in the county clerk's office."

Section 33. Section 27-222, R.C.M. 1947, is amended to read as follows:

"27-222. Application for applicator's license. (1) Application for a pesticide applicator's license provided for in section 27-221 shall be made annually, before applying pesticides in any calendar year, from the department of agriculture.

(2) If the application is made for a license to engage in aerial application of pesticides, the applicant shall first meet all of the requirements of the federal aviation agency and the department of ~~intergovernmental-relations~~ community affairs to operate the equipment described in the application."

Section 34. Section 32-4602, R.C.M. 1947, is amended to read as follows:

"32-4602. Definitions. Unless the context requires otherwise, in this chapter:

(1) "Highway traffic safety program" means a program designed to reduce traffic accidents, deaths, and injuries

to persons, and damage to property. The program shall be in accordance with uniform standards established by the secretary of commerce of the United States under Title 23, United States Code Annotated, as amended. Nothing in this chapter restricts or prohibits the establishment of standards which enlarge or implement the federal standards.

(2) "Political subdivisions" means every county, incorporated city or town, and school district within the boundaries of the state.

(3) "Department" means the department of ~~intergovernmental--relations~~ community affairs provided for in Title 82A, chapter 9."

Section 35. Section 32-4605, R.C.M. 1947, is amended to read as follows:

"32-4605. Duties. (1) The governor is responsible for the administration of the highway traffic safety program. The governor may contract and do all other things necessary to secure the full benefits available to this state under the Federal Highway Safety Act of 1966, and, in so doing, may co-operate with federal and state agencies, private and public organizations, and individuals to effectuate the purposes of that enactment, and all amendments to it. For purposes of participation in the Federal Highway Safety Act of 1966, the governor shall designate the superintendent of public instruction as the state agency responsible for all

aspects of federally assisted driver education and safety programs in the public schools, including the approval of the programs; certification of teachers; and the acceptance, allocation, and expenditure of funds for driver education in accordance with applicable federal laws and regulations. Nothing in this chapter interferes with the provisions of section 75-7303 or chapter 79 of Title 75, R.C.M., 1947.

(2) The department of ~~intergovernmental--relations~~ community affairs shall:

(a) advise and assist the governor in all matters of highway safety and establish comprehensive training programs, including establishment and regulation of driver training schools and certification of the schools and instructors and establishment of adult training and retraining programs;

(b) develop and procure practice driving facilities, simulators, and other teaching aids for school and driver training use;

(c) establish a continuing and adequate research program designed to determine the causes of accidents and effect a program of prevention;

(d) establish a uniform system of driver licensing, including mental and physical standards; and

(e) prescribe and establish safety regulations for motor vehicles and operators."

Section 36. Section 59-514, R.C.M. 1947, is amended to read as follows:

"59-514. Destruction of old county records may be ordered by commissioners with approval of department of ~~intergovernmental-relations~~ community affairs -- destruction of old school district records may be ordered by trustees with approval of the department of ~~intergovernmental relations~~ community affairs. (1) A county officer may destroy old worthless reports, papers, or records in his office that have served their purpose and that are substantiated by permanent records, upon the order of the board of county commissioners and with the approval of the department of ~~intergovernmental---relations~~ community affairs.

(2) A school officer may destroy old worthless reports, papers, or records in his office that have served their purpose and that are substantiated by permanent records, upon the order of the board of trustees and with the approval of the department of ~~intergovernmental relations~~ community affairs."

Section 37. Section 59-515, R.C.M. 1947, is amended to read as follows:

"59-515. Destruction of old city or town records. A city or town officer may destroy old worthless reports, papers, or records in his office that have served their

purpose and that are substantiated by permanent records, upon the order of the city or town council or commission and with the approval of the ~~Department~~ department of ~~Intergovernmental Relations~~ community affairs, except that records relating to the operation of any public utility by a city or town may be destroyed without the approval of the ~~Department~~ department of ~~Intergovernmental---Relations~~ community affairs after the expiration of the period during which they must be kept by said city or town as specified in the appropriate regulations of the Public Service Commission of Montana."

Section 38. Section 69-7002, R.C.M. 1947, is amended to read as follows:

"69-7002. Emergency medical services program -- duties of department. The department of health and environmental sciences shall establish and administer an emergency medical services program. The department is authorized to confer and cooperate with any and all other persons, organizations and governmental agencies that have an interest in emergency medical services problems and needs, and the department is authorized to accept, receive, expend and administer any and all funds which are now available or which may be donated, granted or appropriated to the department of health and environmental sciences. The department of health and environmental sciences and the department of

~~intergovernmental--relations~~ community affairs, highway safety division and other interested departments or divisions, shall develop in writing a mutually agreeable plan of cooperation, so that governmental effort will not be duplicated and governmental resources will be applied on a reasonable priority basis."

Section 39. Section 70-807, R.C.M. 1947, is amended to read as follows:

"70-807. Study, evaluation and report on proposed facility -- application for amendment of certificate -- hearings. (1) Upon receipt of an application complying with section 70-806, the department shall commence an intensive study and evaluation of the proposed facility and its effects, pursuant to section 70-816 of this act. Within six hundred (600) days following receipt of the application for a facility as defined in sections 70-803 (3)(a), 70-803 (b)(iv), 70-803 (3)(c), 70-803 (3)(d) and within one hundred eighty (180) days for a facility as defined in sections 70-803 (b) (iii) the department shall make a report to the board, which shall contain the department's studies, evaluations, recommendations, other pertinent documents resulting from its study and evaluation pursuant to section 70-816 of this act and the final environmental impact statement.

The departments of health and environmental sciences,

highways, ~~intergovernmental--relations~~ community affairs, fish and game, and public service regulation shall report to the department information relating to the impact of the proposed site on each department's area of expertise. Such information may include opinions as to the advisability of granting or denying the certificate. The department shall allocate funds obtained from filing fees to the departments making reports to reimburse them for the costs of compiling information and issuing the required report.

(2) On an application for an amendment of a certificate, the board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternates set forth in the application.

(3) Upon receipt of the department's report submitted under subsection (1) of this section, the board shall set a hearing date not more than sixty (60) days after such receipt."

Section 40. Section 70-814, R.C.M. 1947, is amended to read as follows:

"70-814. Annual long-range plan submitted -- contents -- available to public. (1) Each utility shall furnish

annually to the department for its review, a long-range plan for the construction and operation of utility facilities. Such plan shall be submitted on April 1 of each year. The plan shall include the following:

(a) the general location, size and type of all utility facilities to be owned and operated by the utility whose construction is projected to commence during the ensuing ten (10) years, as well as those facilities to be removed from service during the planning period;

(b) a description of efforts by the utility to coordinate the plan with other utilities so as to provide a coordinated regional plan for meeting the utility needs of the region;

(c) a description of the efforts to involve environmental protection and land-use planning agencies in the planning process, as well as other efforts to identify and minimize environmental problems at the earliest possible stage in the planning process;

(d) projections of the demand for the service rendered by the utility and explanation of the basis for such projections, and a description of the manner and extent to which the proposed facilities will meet the projected demand; and

(e) additional information that the department on its own initiative or upon the advice of interested state

agencies might request in order to carry out the purposes of this act.

(2) The plan shall be made available to the public by the department, and the utility shall be required to give public notice throughout the state of its plan by filing the plan with the environmental quality council, the department of health and environmental science, the department of highways, the department of public service regulation, the department of state lands and the department of ~~intergovernmental---relations~~ community affairs. Citizen environmental protection and resource planning groups, and other interested persons may obtain a plan by written request and payment therefor."

Section 41. Section 75-6917, R.C.M. 1947, is amended to read as follows:

"75-6917. Purpose of state equalization aid and duties of the board of public education for distribution. Except as provided in 75-6917.1, the moneys available for state equalization aid shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt service and for the payment of any and all costs and expense incurred in connection with any adult education program, recreation program, school food services program, new buildings, new grounds, and

transportation.

The board of public education shall administer and distribute the state equalization aid in the manner and with the powers and duties provided by law. To this end, the board of public education shall:

(1) adopt policies for regulating the distribution of state equalization aid in accordance with the provisions of law;

(2) have the power to require such reports from the county superintendents, budget boards, county treasurers, and trustees as it may deem necessary; and

(3) order the superintendent of public instruction to distribute the state equalization aid on the basis of each district's annual entitlement to such aid as established by the superintendent of public instruction. In ordering the distribution of state equalization aid, the board of public education shall not increase or decrease the state equalization aid distribution to any district on account of any difference which may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue.

Should a district receive more state equalization aid than it is entitled to, the county treasurer must return the overpayment to the state upon the request of the superintendent of public instruction in the manner

 HB316

prescribed by the municipal division of the department of ~~intergovernmental-relations~~ community affairs."

Section 42. Section 80-2618, R.C.M. 1947, is amended to read as follows:

"80-2618. County funding to be supplied. Every participating county of the state shall annually budget and appropriate for the establishment, support and operation of public developmental disabilities facilities and services an amount equal to fifty cents ($.50) per capita of the population of such county as shown by the division of planning and economic development of the state department of ~~intergovernmental---relations~~ community affairs. The appropriation may be in an amount greater than the minimum herein provided and shall be made under the authority contained in section 9 [80-2619] herein and may be appropriated either out of the general fund of the county or by use of the permissive special mill levy as herein provided."

Section 43. Section 82-3702, R.C.M. 1947, is amended to read as follows:

"82-3702. Declaration of necessity and public policy. It is hereby declared to be a necessity and the public policy of the state to promote, stimulate, and encourage the planning and development of the economy of the state in order to provide for the social and economic prosperity of

its citizens. Such promotion and development of industry, commerce, agriculture, labor, and natural resources of the state requires that cognizance be taken of the continuing migration of people to the urban areas in search of job opportunities, and the fact that Montana is making a needed transition to a diversified economy. Community planning, greater diversification, and attraction of additional industry, accelerated development of natural resources, expansion of existing industry, creation of new uses for agricultural products, greater emphasis on scientific research, development of new markets for the products of the state, and the attainment of a proper balance in the over-all economic base are all necessary in order to create additional employment opportunities, increase personal income, and promote the general welfare of the people of this state. The department of ~~intergovernmental--relations~~ community affairs shall be regarded as performing a governmental function in carrying out the provisions of this chapter."

Section 44. Section 82-3705, R.C.M. 1947, is amended to read as follows:

"82-3705. Functions of department of ~~intergovernmental relations~~ community affairs -- state planning. The department of ~~intergovernmental-relations~~ community affairs shall:

(A) State Planning.

(1) Develop and adopt a comprehensive plan for the physical development of the state;

(2) Make economic and social studies needed to accomplish the purposes of this chapter;

(3) Co-ordinate and assist regional development groups in the comprehensive development of the resources of the region to the betterment of Montana;

(4) Assemble and correlate information for the purpose of making long-range plans for economic and resource development of the state and its subdivisions relating to all of the factors which influence the development of new and existing economic enterprises, including taxes and the regulation of industry;

(5) Provide advice and assistance to Montana business and labor in the field of economic development and bring to the attention of the governor those significant problems adversely affecting economic development which may be relieved by state action;

(6) Locate and maintain information on prime sites for industrial, agricultural, mineral, forestry, commercial, and residential development and on sites of historical importance, and make recommendations for protecting and preserving those sites;

(7) Apply for, accept, and administer grants from the

federal government or other public or private sources to accomplish the objectives of this chapter, and enter into contracts, including agreements with adjoining states, with respect to planning involving adjoining states;

(8) Serve as the consultative, co-ordinating, and advisory agency for state departments, officials, and agencies in state planning and for encouraging and aiding local planning bodies, either directly or by securing planning assistance, consulting services, and technical aid, which may include land use, demographic, and economic studies and surveys, and comprehensive plans."

Section 45. Section 82-3705.1, R.C.M. 1947, is amended to read as follows:

"82-3705.1. Functions of department of ~~intergovernmental--relations~~ community affairs -- community development. The department of ~~intergovernmental--relations~~ community affairs shall: (1) Cooperate with and provide technical assistance to county, municipal, state, and regional planning commissions, zoning commissions, parks or recreation boards, community development groups, community action agencies, and similar agencies created for the purposes of aiding and encouraging orderly, productive, and coordinated development of the communities of the state;

(2) Assist the governor in coordinating the activities of state agencies which have an impact on solution of

HB 316

community development problems and implementation of community plans;

(3) Serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to local governments to discharge their responsibilities and provide information on available federal and state financial and technical assistance;

(4) Carry out continuing studies and analyses of the problems faced by communities within the state and develop those recommendations for administrative or legislative action as appear necessary. In carrying out the studies and analyses, the department shall pay particular attention to the problems of metropolitan, suburban, and other areas in which economic and population factors are rapidly changing."

Section 46. Section 82-3705.2, R.C.M. 1947, is amended to read as follows:

"82-3705.2. Functions of department of ~~intergovernmental----relations~~ community affairs -- recreational development. The department of ~~intergovernmental---relations~~ community affairs shall: (1) Exercise state responsibility for that part of recreational planning and development which is directly related to private investment in recreational facilities;

(2) Assemble and correlate information which may influence the development of recreational enterprises and

disseminate it to persons, firms, or corporations interested in constructing or maintaining recreational facilities open to the public."

Section 47. Section 82-3705.3, R.C.M. 1947, is amended to read as follows:

"82-3705.3. Functions of department of ~~intergovernmental-relations~~ community affairs -- economic development. The department of ~~intergovernmental-relations~~ community affairs shall: (1) Provide coordinating services to aid state and local groups in the promotion of new economic enterprises and conduct publicity and promotional activities in connection with new economic enterprises;

(2) Collect and disseminate information regarding the advantages of developing agricultural, recreational, commercial, and industrial enterprises within this state;

(3) Serve as the state's official liaison between persons interested in locating new economic enterprises in Montana and state and local groups seeking new enterprises;

(4) Aid communities interested in obtaining new business or expanding existing business;

(5) Study and promote means of expanding markets for Montana products;

(6) Encourage and coordinate public and private agencies or bodies in publicizing the facilities and attractions of the state."

Section 48. Section 82-4501, R.C.M. 1947, is amended to read as follows:

"82-4501. Definition. Unless the context requires otherwise, in this chapter "department" means the department of ~~intergovernmental relations~~ community affairs provided for in Title 82A, chapter 9."

Section 49. Section 82A-104, R.C.M. 1947, is amended to read as follows:

"82A-104. Structure of executive branch of state government. (1) In accordance with the constitution, all executive and administrative offices, boards, commissions, agencies, and instrumentalities of the executive branch of state government, and their respective functions, are allocated by this title among and within the following departments or entities:

(a) Department of administration.

(b) Department of agriculture.

(c) Department of business regulation.

(d) State board of education.

(e) Department of fish and game.

(f) Department of health and environmental sciences.

(g) Department of highways.

(h) Department of institutions.

(i) Department of ~~intergovernmental----relations~~ community affairs.

(j) Department of labor and industry.

(k) Department of justice.

(l) Department of livestock.

(m) Department of military affairs.

(n) Department of natural resources and conservation.

(o) Department of professional and occupational licensing.

(p) Department of public service regulation.

(q) Department of revenue.

(r) Department of social and rehabilitation services.

(s) Department of state lands.

(2) For its internal structure, each department shall adhere to the following standard terms:

(a) The principal unit of a department is a "division." Each division shall be headed by an "administrator."

(b) The principal unit of a division is a "bureau." Each bureau shall be headed by a "chief."

(c) The principal unit of a bureau is a "section." Each section shall be headed by a "supervisor.""

Section 50. Section 82A-403, R.C.M. 1947, is amended to read as follows:

"82A-403. Additional functions transferred to department. (1) The functions of the state examiner, except the functions with respect to the political subdivisions of

the state and their officers and employees transferred to the department of ~~intergovernmental--relations~~ community affairs and enumerated in chapter 9 of this act, are transferred to the department. In accordance with article VII, section 8 of the Montana constitution, the state examiner retains the function of examining the accounts of the state treasurer, supreme court clerks, district court clerks, and county treasurers. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state examiner, except the references contained in the citations enumerated above in this subsection, means the department of business regulation.

(2) The functions of the Montana milk control board, which is created in Title 27, chapter 4, R.C.M. 1947, except the quasi-judicial functions contained in section 27-407, R.C.M. 1947 (pertaining to fixing minimum prices for milk), retained in the board under section 82A-406 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana milk control board, except the references in section 27-407, R.C.M. 1947, relating to the quasi-judicial functions retained in the board under section 82A-406 of this chapter, means the department of business regulation.

(3) The functions of the commissioner of agriculture,

which are contained in Title 60, chapter 2, R.C.M. 1947 (pertaining to petroleum products regulation), are transferred to the department. Unless inconsistent with this act, any reference in Title 60, chapter 2, R.C.M. 1947, to the commissioner of agriculture means the department of business regulation.

(4) The functions of the department of agriculture, which are contained in Title 90, chapter 1, R.C.M. 1947 (pertaining to weights and measures), are transferred to the department of business regulation. Unless inconsistent with this act, any reference in Title 90, chapter 1, R.C.M. 1947, to the department of agriculture means the department of business regulation."

Section 51. Section 89-1215, R.C.M. 1947, is amended to read as follows:

"89-1215. Records required to be kept -- examination by ~~state examiner~~ department of community affairs. It shall be the duty of the board of control to keep, or cause to be kept, a full and complete book and record of the accounts, records, contracts, securities, minutes of meetings and other matters of every kind pertaining to or belonging to the joint operation of the irrigation districts, in the form prescribed by the department of ~~intergovernmental--relations~~ community affairs.

It is hereby made the duty of the department of

~~intergovernmental-relations~~ community affairs to prescribe such forms for the use of the board of control, and to examine the same as provided by law for the examination of the affairs of county offices."

Section 52. Section 89-2107, R.C.M. 1947, is amended to read as follows:

"89-2107. Records -- inspection -- fees -- reports. (1) The board of commissioners shall keep a complete book and record of the accounts, records, contracts, securities, minutes of meetings, and other matters of every kind pertaining to or belonging to the irrigation district, in the form prescribed by the department of ~~intergovernmental relations~~ community affairs. The department of ~~intergovernmental----relations~~ community affairs shall prescribe forms for the use of irrigation districts and examine them as provided by law for the examination of the affairs of county officers. The books and records shall be open to the inspection of any landowner of the district the same as other public records. The failure of the board of commissioners to comply with this section is grounds for removal from office, and the county attorney of any county in which the irrigation district is situated shall prosecute ouster proceedings against any commissioner or commissioners. The cost of the proceedings is a charge against the irrigation district, and shall be paid as are

other bills against the districts.

(2) If a district is appointed fiscal agent of the United States, or by the United States is authorized to make collections for or on behalf of the United States in connection with a federal irrigation project, the board of commissioners or its secretary shall at any time allow any officer or employee of the United States, when acting under the orders of the secretary of the interior, to have access to all books, records, and vouchers of the district which are in possession or control of the secretary or board.

(3) The board of commissioners shall annually file with the county clerk and recorder of the county in which the district is located, within ten (10) days after March 1 of each year, a sworn report showing the assets and liabilities of the district, the amount of money received during the preceding year, and the amount spent during that time, and shall publish the report at least once in a newspaper of the county.

(4) The department of ~~intergovernmental---relations~~ community affairs shall notify the secretaries of the districts of the time of presenting the books and records at the courthouse for examination."

Section 53. Section 89-3422, R.C.M. 1947, is amended to read as follows:

"89-3422. ~~State---examiner~~ Department of community

HB 316

affairs to examine financial records -- report -- fee. At least once each year the department of ~~intergovernmental relations~~ community affairs shall examine the financial records of each district and file a report of the examination with the department of natural resources and conservation and court. The department of ~~intergovernmental relations~~ community affairs shall collect a fee for the examination equal to that charged irrigation districts."

Section 54. There is a new R.C.M. section that reads as follows:

Construction of this act. This act shall take effect on July 1, 1975. After that date, every reference to the department of intergovernmental relations shall be to the department of community affairs.

-End-

FEBRUARY 3, 1975
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE

The meeting was called to order at 8:00 A.M. by Chairman Gerke. The secretary called roll; Rep. Bertelsen and Rep. Palmer were excused. All other members were present.

HOUSE BILL 284: Rep. Jacobsen, sponsor, explained he introduced this bill by request of the Montana Sheriffs and Peace Officers Association. The bill provides that the counties will pay the dues of the county sheriff in certain organizations. Cap Bryant, representing the Montana Sheriffs and Peace Officers Assoc., spoke in support of the bill - exhibit 1. After a brief discussion, the committee asked for amendments to change the bill to specify just the Montana Sheriffs and Peace Officers Association. Cap Bryant said he would submit amendments to do that - exhibit 2.

HOUSE BILL 316: Rep. Gerke, chief sponsor, introduced Ronald P. Richards, Director of the Department of Intergovernmental Relations, proponent, who explained the reason for changing the title. One reason was the present name is confusing. A study last summer recommended the change, and the title of "Department of Community Affairs" has been adopted by most states. Joe Delong, County Commissioner from Flathead County, and Dan Mizner, Executive Director of the Montana League of Cities and Towns, were proponents. There were no opponents.

The committee went into executive session.

HOUSE BILL 316: An amendment prepared by the legislative council was presented for consideration by the committee. It was moved by Rep. Kendall, and seconded, to amend HB 316 by amending the title, page 1, line 4 and 5, following the words "ACT TO", by striking "AMEND SECTION 82A-901, R.C.M. 1947;" and to insert "GENERALLY REVISE THE LAW IN ORDER". Motion carried unanimously. It was moved by Rep. Kendall, seconded by Rep. Magone, that HB 316 DO PASS AS AMENDED. Motion carried. Rep. Marks voted no. Reps. Bertelsen and Palmer were excused.

HOUSE BILL 284: It was moved by Rep. O'Connell, and seconded, that HB 284 be amended to limit the bill to join only the Montana Sheriffs and Peace Officers Association. Motion carried. It was moved by Rep. O'Connell, seconded by Rep. Wyrick, that HB 284 DO PASS AS AMENDED. Motion carried. Rep. Gwynn voted no.

The committee went into regular session.

HOUSE BILL 306: Rep. Bardanouve, sponsor, explained that this bill is the result of legislation passed in a prior session giving the governor powers to close an area because of fire danger. There should be some procedure to set-up rules and regulations for closure of areas and to provide some guidelines in submitting a request. This bill gives the county commissioners authority to do this. There were no further proponents. There were no opponents. The committee discussed the bill and one of the questions asked was if the language in the last sentence means you have to have some kind of fire plan. The answer was yes and the department of natural resources is responsible for fire plans.

STANDING COMMITTEE REPORT

Mr._____

We, your committee on_____
having had under consideration HOUSE Bill No. 316
respectfully report as follows: That HOUSE Bill No. 316
introduced bill, be amended as follows:

1. Amend the title, page 1, lines 4 and 5.
Following: "ACT TO"
Strike: "AMEND SECTION 82A-901, R.C.M. 1947;"
Insert: "GENERALLY REVISE THE LAW IN ORDER"

5. Amend page 14, lines 8 through 13.
   Strike: "(i) community councils of at least three (3) members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at-large shall district according to population for the purpose of electing community councils; or

6. Amend page 23, lines 7 through 12.
   Strike: (i) community councils of at least three (3) members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at-large shall district according to population for the purpose of electing community councils; or

CONSIDERATION OF HOUSE BILL 177: The Committee discussed the amendments proposed by Mary Glenn on HB 177 which are as follows:

1. Amend page 6, section 3, subsection (6), line7.
   Following: "by the"
   Insert: "state of Montana to be matched by the"

2. Amend page 6, section 3, subsection (6), line 9.
   Following: "commissions."
   Strike: "The cost of printing and postage shall not be used to match the state grant to local study commissions."

Senator Romney stated he would check with JoAnn Woodgerd from the Secretary of State's Office to give him some information on mailing procedures for elections and the possibility of piggy-backing items for mailing.

CONSIDERATION OF HOUSE BILL 316: Representative Gerke explained that this bill's purpose was to change the name of the Department of Intergovernmental Relations to the Department of Community Affairs which is more applicable to the majority of the work done by the department now. They were anxious to get the bill passed so they could order the letterhead and supplies for the office which they had held in abeyyance of this bill. Ron Richards from the Dept of IGR stressed the need for the legislation to be hurried through as soon as possible.

There were no opponents.

The Committee briefly questioned Mr. Richards and Representative Gerke.

DISPOSITION OF BILLS:

House Bill 176: Senator Goodover made a motion to adopt amendment no. 1. (See page 1 of minutes) Seconded by Senator Story. Motion carried.

Senator McCallum made a motion to adopt amendment no. 5. (See page 2 of minutes) Seconded by Senator Story. Motion did not carry.

Senator Cetrone made a motion to adopt amendment no. 4. (See page 1 of minutes) Seconded by Senator Goodover. Motion carried.

Senator Murphy made a motion that HB 176 AS AMENDED BE CONCURRED IN. Seconded by Senator Goodover. Motion carried.

House Bill 316: Senator Watt made a motion that HB 316 BE CONCURRED IN. Seconded by Senator Murphy. Motion carried.

ADJOURN: There being no further business, the meeting was adjourned at 12:15 P.M.

Miles Romney

MILES ROMNEY, Chairman

MR:dg

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

44th LEGISLATIVE SESSION 1975

Date 3-13-75

NAME	PRESENT	ABSENT	EXCUSED
MILES ROMNEY, CHAIRMAN	✓		
V. E. CETRONE, V. CHMN.	✓		
TERRY MURPHY	✓		
CORNIE R. THIESSEN			✓
ROBERT D. WATT	11:30		
T M. GOODOVER	✓		
GEORGE McCALLUM	✓		
PETER STORY	✓		

Each day attach to minutes

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 3, 1975 House Bill No. 316 Time 12:05

NAME	YES	NO
V. E. CETRONE, VICE CHAIRMAN	✓	
TERRY MURPHY	✓	
CORNIE R. THIESSEN		
ROBERT D. WATT	✓	
PAT M. GOODOVER	✓	
GEORGE McCALLUM	✓	
PETER STORY	✓	
MILES ROMNEY, CHAIRMAN	✓	

Secretary

Chairman

Motion: Do Concurred Do

(include enough information on motion--put with yellow copy of committee report.)

HOUSE BILL NO. 316

INTRODUCED BY GERKE, SOUTH, LOCKREM, FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~AMEND SECTION 82A-901, R.C.M. 1947,~~ GENERALLY REVISE THE LAW IN ORDER TO CHANGE THE TITLE OF DEPARTMENT OF INTERGOVERNMENTAL RELATIONS TO THAT OF THE DEPARTMENT OF COMMUNITY AFFAIRS IN ALL PERTINENT STATUTES; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82A-901, R.C.M. 1947, is amended to read as follows:

"82A-901. Department of ~~intergovernmental relations~~ community affairs — creation — head. There is created a department of ~~intergovernmental relations~~ community affairs. The department head is a director of ~~intergovernmental relations~~ community affairs appointed by the governor in accordance with section 82A-106 of this act."

Section 2. Section 1-102, R.C.M. 1947, is amended to read as follows:

"1-102. Definitions. Unless the context requires otherwise, in this title:

(1) "Department" means the department of ~~intergovernmental relations~~ community affairs provided for in Title 82A, chapter 9.

(2) "Aeronautics" means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities; and air instruction.

(3) "Aircraft" means a contrivance used or designed for navigation of or flight in the air.

(4) "Public aircraft" means an aircraft used exclusively in the service of any government or of a political subdivision of a government, including the government of a state, territory, or possession of the United States, or the District of Columbia, but not including a government-owned aircraft engaged in carrying persons or property for commercial purposes.

(5) "Civil aircraft" means an aircraft other than a public aircraft.

(6) "Airport" means an area of land or water, except a restricted landing area, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or

REFERENCE BILL

other airport facilities, and all appurtenant rights of way.

(7) "Restricted landing area" means an area of land, water, or both, which is used or is made available for the landing and take-off of aircraft, the use of which shall, except in case of emergency, be only as provided by the department.

(8) "Air navigation facility" means a facility used in, available for use in, or designed for use in, aid of air navigation, including airports, restricted landing areas, and structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted area, and any combination of these facilities.

(9) "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon an airport or restricted landing area within this state.

(10) "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft. A person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft,

operates the aircraft.

(11) "Airman" means an individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way and (excepting individuals employed outside the United States, an individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection with them, and an individual performing inspection or mechanical duties in connection with aircraft owned or operated by him) an individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances; and an individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator.

(12) "Air instruction" means the imparting of aeronautical information by an aeronautics instructor or in or by an air school or flying club.

(13) "Air school" means a person engaged in giving or offering to give instruction in aeronautics, either in flying or ground subjects, or both, for or without hire or reward, and advertising, representing, or holding himself out as giving or offering to give that instruction. It does not include a public school or university of this state, or an institution of higher learning accredited and approved

for carrying on collegiate work.

(14) "Aeronautics instructor" means an individual engaged in giving instruction or offering to give instruction in aeronautics, either in flying or ground subjects, or both, for hire or reward, without advertising that occupation, without calling his facilities an "air school" or anything equivalent to an "air school", and without employing or using other instructors. It does not include an instructor in a public school or university of this state, or an institution of higher learning accredited and approved for carrying on collegiate work, while engaged in his duties as an instructor.

(15) "Flying club" means a person other than an individual, which, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction or pleasure or both.

(16) "Person" means an individual, firm, partnership, private, municipal, or public corporation, company, association, joint stock association, or body politic; and includes a trustee, receiver, assignee, or other similar representative.

(17) "State airway" means a route in the navigable air space over and above the lands or waters of this state, designated by the department as a route suitable for air navigation.

(18) "Navigable air space" means air space above the minimum altitudes of flight prescribed by the laws of this state or by regulations of the department.

(19) "Municipality" or "political subdivision" means a county, city, village, or town of this state and any other political subdivision, public corporation, authority, or district in this state authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities.

(20) "Airport protection privileges" means easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas and the safe and efficient operation thereof.

(21) "Airport hazard" means a structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or restricted landing area or is otherwise hazardous to landing or taking off."

Section 3. Section 1-501, R.C.M. 1947, is amended to read as follows:

"1-501. Receipt and disbursement of moneys. (1) All

costs and expenses of administering this title, including the salaries of employees of the department of ~~intergovernmental relations~~ community affairs engaged in functions pertaining to aeronautics, the expenses of members of the board of aeronautics, and all other disbursements necessary to carry out the purposes of this title, shall be paid out of the following revenues: All gifts and all legislative appropriations to the department for aeronautics; all moneys received from any branch or department of the federal government, or from other sources, for the purposes mentioned in this title or for the furtherance of aeronautics generally in this state. All such moneys shall be deposited in the state treasury to the credit of the department.

(2) There shall be deposited in the earmarked revenue fund to the credit of the department the proceeds of one cent (1¢) per gallon out of the amount per gallon of gasoline license tax imposed by the laws of this state upon purchases of gasoline used for the operation of aircraft. Moneys so deposited shall be spent by the department for the sole purpose of carrying out its functions pertaining to aeronautics.

(3) No part of the one cent (1¢) per gallon of gasoline license tax imposed by the laws of this state on gasoline purchased and used for the operation of airplanes

or aircraft may be refunded."

Section 4. Section 1-1101, R.C.M. 1947, is amended to read as follows:

"1-1101. Department of ~~intergovernmental relations~~ community affairs to be custodian of all airplanes owned or leased by state. The department of ~~intergovernmental relations~~ community affairs is hereby constituted the custodian of all airplanes owned or leased by the state of Montana or its boards, commissions or agencies."

Section 5. Section 1-1102, R.C.M. 1947, is amended to read as follows:

"1-1102. Rules and regulations--authority and enforcement. The department of ~~intergovernmental relations~~ community affairs is hereby delegated the power and authority:

(1) to formulate and enforce reasonable rules and regulations governing the use and operation of all airplanes under control of the division;

(2) to encourage and coordinate use of such airplanes by individual state agencies--an agency for which an aircraft has been specially equipped or modified shall have priority for the use of such aircraft;

(3) to charge the individual state agencies using the airplanes the estimated costs for administration, operation, maintenance, service, storage, and replacement;

(4) to establish a capital fund for new and replacement equipment using that portion of the money paid by individual state agencies for the use of the airplanes; and

(5) to place any surplus resulting from use charges into the capital fund."

Section 6. Section 1-1103, R.C.M. 1947, is amended to read as follows:

"1-1103. Deficit. Any deficit resulting from the operation of the airplanes by the department of ~~intergovernmental relations~~ community affairs shall be provided for in the state's general fund budget as determined by legislative action."

Section 7. Section 6-205, R.C.M. 1947, is amended to read as follows:

"6-205. Department of ~~intergovernmental relations~~ community affairs to determine adequacy of amount. The amount for which a county officer or employer or group of officers or employees shall be bonded is subject to the supervision of the department of ~~intergovernmental relations~~ community affairs. If the department of ~~intergovernmental relations~~ community affairs determines that the amount of the bond is inadequate, it may require the board of county commissioners to purchase an adequate bond."

Section 8. Section 6-603, R.C.M. 1947, is amended to

read as follows:

"6-603. Determination of adequacy of bond by department of ~~intergovernmental relations~~ community affairs. The amount for which a city or town officer or employee or group of officers or employees shall be bonded is subject to the supervision of the department of ~~intergovernmental relations~~ community affairs. If the department of ~~intergovernmental relations~~ community affairs determines that the amount of the bond is inadequate it may require the city or town council or commission to purchase an adequate bond."

Section 9. Section 11-313, R.C.M. 1947, is amended to read as follows:

"11-313. Order of disincorporation on vote by electors. In case the canvass reveals that sixty per cent (60%) or more of all the votes cast were in favor of disincorporation, the county commissioners shall, under their hands make and file in their office, and cause to be entered upon their proceedings, an order that the petition for disincorporation be granted, and declaring that the city or town is disincorporated. The order takes effect within sixty (60) days following the date of the order. A certified copy of the order shall be sent to the Montana secretary of state and the head of the state department of ~~intergovernmental relations~~ community affairs."

Section 10. Section 11-315, R.C.M. 1947, is amended to read as follows:

"11-315. Certification of financial condition. Upon receiving a certified copy of the order of disincorporation, the director of the department of ~~intergovernmental relations~~ community affairs shall certify a current statement of the financial condition of the disincorporating city or town to the board of county commissioners. The statement shall include, but not be limited to, a determination of all assets of the city or town, including any current or delinquent utility accounts and/or taxes receivable and a statement of all city or town indebtedness, including any revenue or general obligation bonds, special improvement district obligations outstanding, contracts payable, all other obligations of the city, and a schedule for the repayment of indebtedness. Under the supervision of the director of the department of ~~intergovernmental relations~~ community affairs or his agent, the city or town treasurer shall draw a treasurer's check for the amount of unencumbered cash in the city or town treasury, the check shall be made payable to and delivered to the county treasurer of the county in which the disincorporating city or town is situated. The county treasurer shall immediately place said money in a special fund, to be drawn upon as provided in this act."

Section 11. Section 11-806, R.C.M. 1947, is amended to read as follows:

"11-806. Financial statement of city or town — contents — copies, to whom furnished. (1) Within sixty (60) days after the close of each fiscal year the city or town clerk of each city and town must make out, in duplicate, a complete statement of the financial condition of the city or town for that fiscal year, showing:

(a) The indebtedness of the city or town, funded and floating; the amount of each class of indebtedness; and the amount of money in the treasury subject to the payment of each class of indebtedness;

(b) The amount of money received from taxes upon real and personal property;

(c) The amount of money received from fines, penalties, and forfeitures;

(d) The amount of money received from licenses;

(e) The amount of money received from all other sources, each source and the amount received from it being shown separately;

(f) For each fund the amount of money, if any, on hand at the beginning of the fiscal year, the amount received and the amount paid out during the fiscal year. The amount of money paid out must be deducted from the total of the money on hand at the beginning of the fiscal year and the money

received during the year, and a balance must be struck for each fund.

(g) A concise description of all property owned by the city or town with an approximate estimate of the value of it;

(h) The rates of taxation and purposes for which taxes were levied during the fiscal year;

(i) Other information which may be required by the department of ~~intergovernmental relations~~ community affairs.

(2) The forms on which the statement shall be made shall be prescribed by the department of ~~intergovernmental relations~~ community affairs.

(3) The city or town clerk must, not later than August 31 following the close of each fiscal year, transmit one copy of the statement to the department of ~~intergovernmental relations~~ community affairs, and must present the other copy to the city or town council or commission at its first regular meeting in September.

(4) If a city or town clerk fails to file a copy of the statement with the department of ~~intergovernmental relations~~ community affairs within the time specified, the department of ~~intergovernmental relations~~ community affairs, without delay, shall examine the books, records, and accounts of the city or town. The department of ~~intergovernmental relations~~ community affairs shall make

from its examination a statement of the financial condition of the city or town for the preceding fiscal year in the manner it should have been made by the city or town clerk. The examination shall be considered a special examination under the provisions of section 82-4504, and all of the provisions of section 82-4504 apply to it."

Section 12. Section 11-1403, R.C.M. 1947, is amended to read as follows:

"11-1403. Estimates of revenues and disbursements to be filed by officers -- forms -- penalty for failure to file. (1) Before July 1 of each year the clerk of each city shall notify in writing each official in charge of an office, department, service, or institution of the municipality to file with the clerk, before July 10, detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by the office, department, service, or institution for the current fiscal year. The council shall submit to the clerk the estimate of expenditures for all purposes for the council. The mayor of the municipality shall submit to the clerk a detailed estimate showing the amount to be appropriated from funds belonging to the municipality to defray the municipality's portion of the cost of making improvements in special improvement districts, and of maintaining them, and of installing

lighting systems in special lighting districts, and maintaining them. There may not be included in the estimate, nor in either the preliminary or final budget of a municipality, any part of that cost which is to be paid by special assessments against the property within the districts, or any part of the cost in sprinkling districts which is to be defrayed by special assessments against the property in the sprinkling districts.

(2) The council shall also submit to the clerk detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bond issues not yet authorized and from the proceeds of tax levies which are required to be submitted to and approved at an election to be held.

(3) The estimates required in this section shall be submitted on forms provided by the clerk, and prescribed by the department of ~~intergovernmental relations~~ community affairs, and may only be varied or departed from with permission and approval of the department of ~~intergovernmental relations~~ community affairs. The city treasurer shall prepare the estimates for interest and debt reduction. The clerk shall prepare all other estimates which properly fall within the duties of his office.

(4) Each of the officials shall file the estimates within the time and in the manner provided in the form and

notice, and the clerk shall deduct and withhold, as a penalty, from the salary or compensation of each official failing or refusing to file the estimates, the sum of ten dollars ($10) for each day of delay. The total penalty against an official may not exceed fifty dollars ($50) per year. In the absence or disability of an official the duties required in this section devolve upon the official or employee in charge of the office, department, service, or institution for the time being. The notice shall contain a copy of this penalty clause."

Section 13. Section 11-1404, R.C.M. 1947, is amended to read as follows:

"11-1404. Tabulation by clerk of expenditure program -- classifications, items included in. (1) From estimates of revenue and disbursements the clerk shall prepare a tabulation showing the complete expenditure program of the municipality for the current fiscal year, and the sources of revenue by which it is to be financed. The tabulation shall set forth the estimated receipts from all sources other than taxation for each office, department, service, or institution for the current fiscal year, the actual receipts for the last completed fiscal year, the surplus or unencumbered treasury balances at the close of that last fiscal year, and the amount necessary to be raised by taxation; the estimated expenditure for each office,

Expenditures under the general class of "maintenance and operation" shall be classified according to a standard classification to be established by the department of ~~intergovernmental relations~~ community affairs. Expenditures for "capital outlay" shall set forth and describe each object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately for each series or issue of bonds, and warrant interest and redemption requirements shall be set forth in a similar manner. Under the general class of "miscellaneous" expenditures for all purposes not listed in, or which cannot properly be assigned to any of the general classes, shall be set forth and itemized in detail.

(4) The total amount of emergency warrants issued during the preceding fiscal year shall be set forth with the amount issued for each emergency and the amount issued against each fund."

Section 14. Section 11-1406, R.C.M. 1947, is amended to read as follows:

"11-1406. Hearings on budget -- adoption --fixing of tax levy. (1) On the Wednesday preceding the second Monday in August the council shall meet at the time and place designated in the notice provided in section 11-1405, at which time any taxpayer may appear and be heard for or

department, service, or institution for the current fiscal year, the actual expenditures for the last completed fiscal year, and all contracts or other obligations which will affect the current year revenues.

(2) The estimates, appropriations, and expenditures shall be classified as:

(a) salaries and wages;

(b) maintenance and operation;

(c) capital outlay;

(d) interest and debt redemption;

(e) miscellaneous; and

(f) expenditures proposed to be made from bond issues not yet authorized, or from the proceeds of a tax levy or levies which are required to be submitted to and approved at an election to be held later.

(3) Within the class of "salaries and wages" each salary shall be set forth separately together with the title or position of the recipient. An unitemized appropriation may be made to cover the expenses of special deputies or assistants in an office where the services of the special deputies or assistants may be required during a part of the fiscal year only. Wages for day labor may be given in totals by designating the general purpose or object for which the expenditure is to be made but the proposed rate per day for each class or kind of labor shall be set forth.

against any part of the budget. The hearing shall be continued from day to day and shall be concluded and the budget finally approved and adopted on the second Monday in August and prior to the fixing of the tax levies by the council. The council may call in the official in charge of an office, department, service, or institution, at the time the estimates for their respective offices are under consideration, for examination concerning the estimates. The official shall be called in by the council upon the request of a taxpayer for questioning either by the council or a taxpayer upon the estimates.

(2) Upon the conclusion of the hearing the council shall first determine the amount estimated to accrue to each fund during the fiscal year from all sources, except the taxation of property. In so doing the council may not include any amount anticipated from the payment of taxes which became delinquent during a preceding fiscal year. The council shall then determine separately the amount appropriated for and authorized to be spent for each item in the budget and shall specify the fund against which warrants are to be drawn for the expenditures so authorized. There may not be added to the amount appropriated and authorized to be spent for an item or purpose, or to the total amount appropriated and authorized to be spent from any fund, other than a fund for the payment of principal or interest on

outstanding bonds, any amount because of anticipated loss of revenue by reason of nonpayment of taxes levied for the fiscal year. The expenditures authorized from a fund, including reserve, may not exceed the aggregate of:

(a) the cash balance in the fund at the close of the preceding fiscal year in excess of outstanding unpaid warrants against the fund at the close of that fiscal year.

(b) the amount of estimated revenues to accrue to the fund; and

(c) the amount which may be raised for the fund by a lawful tax levy during the fiscal year.

(3) The council shall then determine the amount to be raised for each fund, for which a tax levy is to be made, by adding the cash balance in excess of outstanding unpaid warrants at the close of the preceding fiscal year and the amount of the estimated revenues, if any, to accrue to the fund during the current fiscal year. It shall then deduct the total amount so obtained from the total amount of the appropriations and authorized expenditures from the fund as determined by the council in the budget adopted and approved. The amount remaining is the amount necessary to be raised for any fund by tax levy during the current fiscal year. The council may add to the amount necessary to be raised for any fund by tax levy during the current fiscal year an additional amount, as a reserve to meet expenditures

to be made from the fund during the months of July to November, of the next fiscal year. The amount added to any fund as a reserve may not exceed one-third (1/3) of the total amount appropriated and authorized to be spent from the fund during the current fiscal year, after deducting from the amount of the appropriations and authorized expenditures the total amount appropriated and authorized to be spent for election expenses and payment of emergency and other outstanding warrants. The total amount to be raised by tax levy for any fund during the current fiscal year, including the amount of the reserve, must not exceed the total amount which may be raised for the fund by a tax levy which does not exceed the maximum levy permitted by law to be made for the fund.

(4) The budget as finally determined, in addition to setting out separately each item for which an appropriation is made or expenditure authorized, and the fund out of which it is to be paid, shall set out the total amount appropriated and authorized to be spent from each fund, the cash balance, in excess of outstanding unpaid warrants, at the close of the preceding fiscal year, the amount estimated to accrue to the fund from sources other than taxation, the reserve for the next fiscal year, and the amount necessary to be raised for each fund by tax levy during the current fiscal year. The council shall then by resolution approve

and adopt the budget as finally determined, and the clerk shall enter it at length in the official minutes of the council.

(5) On the second Monday in August, and after the approval and adoption of the final budget, the council shall fix the tax levy for each fund at a rate, not exceeding limits prescribed by law, which will raise the amount set out in the budget as the amount necessary to be raised by tax levy for that fund during the current fiscal year. The taxable valuation of the city for the current fiscal year shall be the basis for determining the amount of the tax levy for each fund, and each tax levy shall be at a rate no higher than is required on that basis, without including any amount for anticipated tax delinquency, to raise the amount set out in the budget. Each levy shall be made in the manner provided by section 84-3802. If the council considers that a levy made for a bond sinking or interest fund will not provide a sufficient amount to pay all bond and interest becoming due during the current fiscal year, or within six (6) months after the current fiscal year, because of anticipated tax delinquency, the council may fix the levy at a rate it considers necessary to raise the amount for making the payments of principal and interest, over and above the anticipated tax delinquency.

(6) The city clerk shall, not later than September 15,

forward a complete copy of the final budget, together with the tax levies, to the department of ~~intergovernmental relations~~ community affairs. If a city clerk fails to forward the copy of the budget to the department of ~~intergovernmental relations~~ community affairs within the time required, the department of ~~intergovernmental relations~~ community affairs shall, before October 1, notify the mayor and council of the city that a copy of the budget has not been forwarded by the city clerk. The council must then withhold from the city clerk his salary or compensation for the month of September until the city clerk presents the council with a notice from the department of ~~intergovernmental relations~~ community affairs that the copy of the budget has been received."

Section 15. Section 11-1411, R.C.M. 1947, is amended to read as follows:

"11-1411. Department of ~~intergovernmental relations~~ community affairs to make rules for carrying out act -- accounting systems. The department of ~~intergovernmental relations~~ community affairs shall make rules and classifications, and prescribe forms, necessary to carry out the provisions of this act. It shall define what expenditures are chargeable to each budget account, and shall establish accounting and cost systems necessary to provide accurate budget information."

Section 16. Section 11-1829, R.C.M. 1947, is amended to read as follows:

"11-1829. Actuarial valuation and investment of police reserve funds. (1) The city treasurer shall submit to the department of ~~intergovernmental relations~~ community affairs before October 1 in each odd-numbered year all information requested by the department of ~~intergovernmental relations~~ community affairs necessary to complete an actuarial valuation of the police reserve funds. This valuation is to be prepared by a qualified actuary selected by the department of ~~intergovernmental relations~~ community affairs. This valuation shall consider the actuarial soundness of the police reserve funds for the two (2) preceding fiscal years. A qualified actuary is a member of the American Academy of Actuaries or of any organization deemed by the department of ~~intergovernmental relations~~ community affairs to have similar standards. In each fiscal year in which an actuarial valuation is prepared, the department of ~~intergovernmental relations~~ community affairs shall submit to the state auditor a request for payment of the expense incurred in securing the actuarial valuation. The expense may not exceed six thousand dollars ($6,000) in any fiscal year and the state auditor shall make payment to the actuary designated in the request.

(2) Whenever the monies in the police reserve fund

exceed:

(a) one and one-half (1-1/2) times the monthly benefit paid in the preceding month, or

(b) five thousand dollars ($5,000), whichever is greater, then the city treasurer shall remit such excess amounts to the state treasurer. The state treasurer shall invest such remittances under the direction of the state board of investments as provided by section 79-311.

(3) After January 1, 1975, all investments of the police reserve fund shall be transferred as directed by the state board of investments. The state board of investments may defer any such transfer to a date later than January 1, 1975, but not later than the maturity date of the investment. The board of investment may make rules to implement this section."

Section 17. Section 11-1914, R.C.M. 1947, is amended to read as follows:

"11-1914. Duties of trustees — investment of surplus funds. (1) The board of trustees of the fire department relief association shall audit the accounts of the association at least every six (6) months and shall report the condition of them at the next regular meeting of the association. The management of the fire department relief associations in municipalities other than in first and second class cities shall be vested in the board of

trustees. When so directed by a majority vote of the members of the association, the board of trustees may invest the surplus funds of the association or any part of them, in any time or saving deposits, in any solvent bank, building and loan association or savings and loan association operating in the county where the city or town is located, in bonds or other securities of the United States government, in general obligation bonds or warrants of any state, county or city as are recommended by the state auditor and approved by the department of ~~intergovernmental relations~~ community affairs. At the time of purchase the investments must be stamped in boldface type, substantially as follows: "Property of the .... Fire Department Relief Association, and negotiable only upon the order of the board of trustees of such association." Provided, however, that when the average yield on investments of public retirement funds under the state board of investments exceeds by one percent (1%) in any fiscal year the investment yield of said fire department relief association funds such funds shall be remitted to the state treasurer for investment by the state board of investments as is provided in the provisions of this section for associations in first and second class cities; and said fire department relief association shall submit every six (6) months a financial statement detailing their investments to the department of ~~intergovernmental relations~~ community

affairs; and the department shall advise said fire department relief association of the current yield of investment of public retirement funds.

(2) The management of the fire department relief associations in first and second class cities shall be vested in the board of trustees of such associations subject to the following provisions of this section.

The board of trustees shall submit to the department of ~~intergovernmental relations~~ community affairs before October 1 in each odd-numbered year, all information requested by the department of ~~intergovernmental relations~~ community affairs necessary to complete an actuarial valuation of the funds of the association. This valuation is to be prepared by a qualified actuary selected by the department of ~~intergovernmental relations~~ community affairs. This valuation shall consider the actuarial soundness of the association's funds for the two (2) preceding fiscal years. A qualified actuary is a member of the American Academy of Actuaries or of any other organization deemed by the municipal audit division to have similar standards. In each fiscal year in which an actuarial valuation is prepared, the department of ~~intergovernmental relations~~ community affairs shall submit to the state auditor a request for payment of the expenses incurred in securing the actuarial valuation. These expenses may not exceed six thousand dollars ($6,000)

in any fiscal year and the state auditor shall make payment to the actuary designated by the request.

(3) Whenever the monies in the disability and pension fund exceed:

(a) one and one-half (1 1/2) times the monthly benefit paid in the preceding month, or

(b) five thousand dollars ($5,000), whichever is greater, then the board shall remit such excess amounts to the state treasurer. The state treasurer shall invest such remittances under the direction of the state board of investments as provided by section 79-311.

(4) After January 1, 1975, all investments held by a board of trustees shall be transferred as directed by the state board of investments. The state board of investments may defer any such transfer to a date later than January 1, 1975, but not later than the maturity date of the investment. The state board of investment may make rules to implement this section."

Section 18. Section 11-1923, R.C.M. 1947, is amended to read as follows:

"11-1923. Annual report of the secretary and treasurer, prescribing qualifications for membership, official bond of the treasurer and examination of books and accounts. (1) The secretary and treasurer of every fire department relief association shall annually prepare a

detailed report of its receipts and expenditures for the preceding year, showing to whom and for what purposes the money has been paid and spent, and file it with the association, and a duplicate with the state auditor. No money may be paid to the treasurer of the fire department relief association until the report is filed. No one serving as a substitute or on probation, nor a person who has not been confirmed a member of an organized fire department, is eligible for membership in the relief association. No treasurer of an association may enter upon his duties until he has given to the association a sufficient bond of not less than fifty per cent (50%) of the amount of the cash funds and securities of the association, for the faithful performance of his duties according to law. The amount of the bond shall be approved and paid for by the association. The official bond may not exceed twenty-five thousand dollars ($25,000).

(2) Upon a majority vote of the members of the association, the city or town treasurer shall be ex officio treasurer of the fire department relief association and the official bond of the city or town treasurer shall cover the faithful discharge of his duties as ex officio treasurer of the fire department relief association. The cash in the firemen's relief fund shall have the same protection as to depository securities furnished by banks as the other funds

of the city or town. All of the financial books and accounts of the association are subject at all times to examination by the department of ~~intergovernmental relations~~ community affairs.

(3) Upon complaint being made to it that the money or any part of it paid to the treasurer of the association has been or is being spent for an unauthorized purpose, and if the money upon examination is found to have been spent contrary to the authority given, the department of ~~intergovernmental relations~~ community affairs shall so report to the governor, upon whose directions to the state auditor no further warrants may be issued to the fire department relief association treasurer until the money so spent has been returned."

Section 19. Section 11-3862, R.C.M. 1947, is amended to read as follows:

"11-3862. Surveys required — exceptions — standards for monumentation. (1) All divisions of land for sale other than a subdivision after the effective date of this act into parcels which cannot be described as 1/32 or larger aliquot parts of a United States government section or a United States government lot must be surveyed by or under the supervision of a registered land surveyor.

(2) Every subdivision of land after June 30, 1973, shall be surveyed and platted in conformance with this act

by or under the supervision of a registered land surveyor. Subdivision plats shall be prepared and filed in accordance with this act and regulations adopted pursuant thereto. All division of sections into aliquot parts and retracement of lines must conform to United States bureau of land management instructions, and all public land survey corners shall be filed in accordance with Corner Recordation Act of Montana (sections 67-2001 through 67-2019). Engineering plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body shall be prepared and filed by a registered engineer or a registered land surveyor as their respective licensing laws allow in accordance with this act and regulations adopted pursuant thereto.

(3) The county clerk and recorder of any county shall not record any instrument which purports to transfer title to or possession of a parcel or tract of land which is required to be surveyed by this act unless the required certificate of survey or subdivision plat has been filed with the clerk and recorder and the instrument of transfer describes the parcel or tract by reference to the filed certificate or plat.

(4) Instruments of transfer of land which is acquired for state highways may refer by parcel and project number to

state highway plans which have been recorded in compliance with section 32-2413, and are exempted from the surveying and platting requirements of this act; provided, however, that if such parcels are not shown on highway plans of record, instruments of transfer of such parcels shall be accompanied by and refer to appropriate certificates of survey and plats when presented for recording.

(5) The provisions of this act shall not apply to the division of state-owned land unless the division creates a second or subsequent parcel from a single tract for sale, rent or lease for residential purposes after July 1, 1974.

(6) Unless the method of disposition is adopted for the purpose of evading this act, the following divisions of land are not subdivisions under this act but are subject to the surveying requirements of this section for divisions of land not amounting to subdivisions.

(a) Divisions made for the purpose of relocating common boundary lines between adjoining properties.

(b) Divisions made for the purpose of a gift or sale to any member of the landowner's immediate family.

(c) Divisions made by sale or agreement to buy and sell where the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural

purposes. Any change in use of the land for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(d) A single division of a parcel when the transaction is an occasional sale.

(7) Subdivisions created by rent or lease are exempt from the surveying and filing requirements of this act but must be submitted for review and approved by the governing body before portions thereof may be rented or leased.

(8) Unless the method of disposition is adopted for the purpose of evading this act, the requirements of this act shall not apply to any division of land:

(a) which is created by order of any court of record in this state or by operation of law, or which, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain (sections 93-9901 through 93-9926);

(b) which is created by a lien, mortgage, or trust indenture;

(c) which creates an interest in oil, gas, minerals, or water which is now or hereafter severed from the surface ownership of real property;

(d) which creates cemetery lots;

(e) which is created by the reservation of a life

estate;

(f) which is created by lease or rental for farming and agricultural purposes.

(9) The sale, rent, lease, or other conveyance of one or more parts of a building, structure, or other improvement situated on one or more parcels of land is not a division of land, as that term is defined in this act, and is not subject to the requirements of this act.

(10) The department of ~~intergovernmental relations~~ community affairs shall, in conformance with the Montana Administrative Procedure Act (sections 82-4201 through 82-4225), prescribe uniform standards for monumentation and for the form, accuracy, and descriptive content of records of survey.

(11) It shall be the responsibility of the governing body to require the replacement of all monuments removed in the course of construction."

Section 20. Section 11-3863, R.C.M. 1947, is amended to read as follows:

"11-3863. Enforcement by governmental subdivisions -- adoption of regulations -- public hearing. (1) The governing body of every county, city, and town shall, before July 1, 1974, adopt and provide for the enforcement and administration of subdivision regulations reasonably providing for the orderly development of their

jurisdictional areas; for the co-ordination of roads within subdivided land with other roads, both existing and planned; for the dedication of land for roadways and for public utility easements; for the improvement of roads; for the provision of adequate open spaces for travel, light, air and recreation; for the provision of adequate transportation, water, drainage, and sanitary facilities; for the avoidance or minimization of congestion; and for the avoidance of subdivision which would involve unnecessary environmental degradation; and the avoidance of danger of injury to health, safety, or welfare by reason of natural hazard or the lack of water, drainage, access, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services.

Prior to adopting or amending subdivision regulations pursuant to this act, the governing body shall submit the proposed regulations or amendments to the division of planning and economic development of the department of ~~intergovernmental relations~~ community affairs for review.

Before the governing body adopts subdivision regulations pursuant to this section it shall hold a public hearing thereon and shall give public notice of its intent to adopt such regulations and of the public hearing by publication of notice of the time and place of the hearing in a newspaper of general circulation in the county not less

than fifteen (15) nor more than thirty (30) days prior to the date of the hearing.

(2) Not later than December 31, 1973, the department of ~~intergovernmental relations~~ community affairs, through its division of planning, shall, in conformance with the Montana Administrative Procedure Act (sections 82-4201 through 82-4225), prescribe reasonable minimum requirements for subdivision regulations adopted pursuant to this act. The minimum requirements shall include detailed criteria for the content of the environmental assessment required by this act. The department shall provide for the review of preliminary plats by those agencies of state and local government and affected public utilities having a substantial interest in a proposed subdivision; provided, however, that such agency or utility review shall not delay the governing body's action on the plat beyond the time limit specified herein, and the failure of any agency to complete a review of a plat shall not be a basis for rejection of the plat by the governing body.

(3) In prescribing the minimum contents of the subdivision regulations, the department of ~~intergovernmental relations~~ community affairs, through its division of planning, shall require the submission by the subdivider to the governing body of an environmental assessment.

(3.1) When a subdivision is proposed in an area for

which a master plan has been adopted pursuant to sections 11-3801 through 11-3856 and the proposed subdivision will be in compliance with the plan or when the subdivision will contain fewer than ten (10) parcels and less than twenty (20) acres, a planning board established pursuant to sections 11-3801 through 11-3856 and having jurisdiction over the area involved may exempt the subdivider from the completion of all or any portion of the environmental assessment. When such an exemption is granted, the planning board shall prepare and certify a written statement of the reasons for granting the exemption. A copy of this statement shall accompany the preliminary plat of the subdivision when it is submitted for review. Where no properly established planning board having jurisdiction exists, the governing body may grant exemptions as specified in this paragraph.

(4) Where required the environmental assessment shall accompany the preliminary plat and shall include:

(a) a description of every body or stream of surface water as may be affected by the proposed subdivision, together with available ground water information, and a description of the topography, vegetation and wildlife use within the area of the proposed subdivision;

(b) maps and tables showing soil types in the several parts of the proposed subdivision, and their suitability for any proposed developments in those several parts;

(c) a community impact report containing a statement of anticipated needs of the proposed subdivision for local services, including education and busing, roads and maintenance, water, sewage, and solid waste facilities, and fire and police protection;

(d) such additional relevant and reasonable information as may be required by the department through its division of planning.

(5) Local subdivision regulations shall include procedures for the summary review and approval of subdivision plats containing five (5) or fewer parcels where proper access to all lots is provided, where no land in the subdivision will be dedicated to public use for parks or playgrounds and which have been approved by the department of health and environmental sciences where such approval is required by sections 69-5001 through 69-5005; provided that reasonable local regulations may contain additional requirements for summary approval.

(6) Subdivision regulations may authorize the governing body to grant variances from the regulations when strict compliance will result in undue hardship and when it is not essential to the public welfare. Any variance granted pursuant to this subsection must be based on specific variance criteria contained in the subdivision regulations.

(7) Local regulations may provide that in lieu of the

completion of the construction of any public improvements prior to the approval of a final plat, the governing body shall require a bond or other reasonable security, in an amount and with surety and conditions satisfactory to it, providing for and securing the construction and installation of such improvements within a period specified by the governing body and expressed in the bonds or other security.

(8) In the event that any governing body has not adopted subdivision regulations by July 1, 1974, which meet or exceed the prescribed minimum requirements, the department shall, through its division of planning, no later than January 1, 1975, promulgate reasonable regulations to be enforced by the governing body. If at any time thereafter the governing body adopts its own subdivision regulations, these shall supersede those promulgated by the department but shall be no less stringent."

Section 21. Section 11-4110, R.C.M. 1947, is amended to read as follows:

"11-4110. Advice and information by department of ~~intergovernmental relations~~ community affairs. The department of ~~intergovernmental relations~~ community affairs shall furnish advice and information in connection with a project when requested to do so by a county or municipality."

Section 22. Section 16-1901, R.C.M. 1947, is amended

to read as follows:

"16-1901. County budget — estimates by county officers of revenues and expenditures — form of estimates — penalty for failure to file. (1) Before June 1 each year the county clerk and recorder shall notify in writing each county official in charge of an office, department, service, or institution of the county to file with the county clerk and recorder, before June 10, detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by the office, department, service, or institution for the next fiscal year. The county commissioners shall submit to the county clerk and recorder the estimate of expenditures for all purposes for the board, and a detailed statement showing all new road and bridge construction to be financed from county road and bridge funds, from any special road or bridge funds, from any special highway fund, and from bond issues issued or authorized for the next fiscal year, together with the cost of that construction as computed by the county surveyor, or if for construction in charge of a special engineer then by that engineer. The county surveyor and any special engineer shall prepare the estimates of cost of road and bridge construction for the county commissioners. They shall also submit a similar statement showing road and bridge maintenance expenditures as nearly

as can be estimated.

(2) The county commissioners shall also submit to the county clerk and recorder detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bond issues not yet authorized and from the proceeds of tax levies which are required to be approved at an election to be held.

(3) The estimates required in this section shall be submitted on forms provided by the county clerk and recorder, and prescribed by the department of ~~intergovernmental relations~~ community affairs, and may only be varied or departed from with permission and approval of that department. The county treasurer shall prepare the estimates for interest and debt reduction. The county clerk and recorder shall prepare all other estimates which properly fall within the duties of his office.

(4) Each of the officials shall file the estimates within the time and in the manner provided in the form and notice, and the county clerk shall withhold, as a penalty, from the salary of each official failing or refusing to file the estimates ten dollars ($10) for each day of delay. The total penalty against any official may not exceed fifty dollars ($50) in one year. In the absence or disability of an official the duties required by this section devolve upon the official or employee in charge of the office,

department, service, or institution. The notice shall contain a copy of this penalty clause."

Section 23. Section 16-1902, R.C.M. 1947, is amended to read as follows:

"16-1902. Tabulation by clerk of expenditure program — classifications — items included in. (1) From those estimates the county clerk and recorder shall prepare a tabulation showing the complete expenditure program of the county for the current fiscal year, and the sources of revenue by which it is to be financed. The tabulation shall set forth the estimated receipts from all sources other than taxation for each office, department, service, or institution for the current fiscal year, the actual receipts for the last completed fiscal year, the surplus or unencumbered treasury balances at the close of that last fiscal year, and the amount necessary to be raised by taxation; the estimated expenditure for each office, department, service, or institution for the current fiscal year, the actual expenditures for the last completed fiscal year, and all contracts or other obligations which will affect the current year revenues.

(2) The estimates, appropriations, and expenditures shall be classified as:

(a) salaries and wages;

(b) maintenance and operation;

(c) capital outlay;

(d) interest and debt redemption;

(e) miscellaneous; and

(f) expenditures proposed to be made from bond issues not yet authorized, or from the proceeds of a tax levy or levies which are required to be submitted to and approved at an election to be held later.

(3) Within the general class of salaries and wages each salary shall be set forth separately together with the title or position of the recipient. An unitemized appropriation may be made to cover the expenses of special deputies or assistants in any office where the services of such special deputies or assistants may be required during a part of the fiscal year only. Wages for day labor may be given in totals by designating the general purpose or object for which the expenditure is to be made, but the proposed rate per day for each class or kind of labor shall be set forth. Expenditures under the general class of maintenance and operation shall be classified according to a standard classification to be established by the department of ~~intergovernmental relations~~ community affairs. Expenditures for capital outlay shall set forth and describe each object of expenditure separately. Under the general class of interest and debt redemption, proposed expenditures for interest and for redemption of principal shall be set forth

separately for each series or issue of bonds, and warrant interest and redemption requirements shall be set forth in a similar manner. Under the general class of miscellaneous, expenditures for all purposes, not listed in or which cannot properly be assigned to any of the general classes, shall be set forth and itemized in detail.

(4) The total amount of emergency warrants issued during the preceding fiscal year shall be set forth with the amount issued for each emergency and the amount issued against each fund."

Section 24. Section 16-1903, R.C.M. 1947, is amended to read as follows:

"16-1903. Consideration of budget by commissioners -- notice of budget meeting. The tabulation shall be submitted to the county commissioners by the county clerk and recorder on or before the first Monday of July. Upon receipt thereof the board of county commissioners shall immediately consider the budget in detail, and shall on or before the second Monday of July make any revisions, reductions, additions, or changes that they consider advisable. The tabulation, with any revisions, reductions, additions, or changes, is the preliminary budget for the fiscal year which it is intended to cover. Upon completion of the budget, the county clerk shall immediately transmit one copy of it to the department of ~~intergovernmental relations~~ community affairs and one

copy to the department of revenue. The board of county commissioners shall then have a notice published stating that the board has completed its preliminary county budget for the current fiscal year, that the budget is open to inspection in the office of the county clerk and recorder, and that the board will meet on the Wednesday before the second Monday in August to fix the final budget and make appropriations. The notice shall state the time and place of the meeting and that any taxpayer may appear and be heard for or against any part of the budget. The notice shall be published at least one time in a newspaper of general circulation in the county."

Section 25. Section 16-1904, R.C.M. 1947, is amended to read as follows:

"16-1904. Hearings on budget — adoption — fixing tax levies. (1) On the Wednesday before the second Monday in August the county commissioners shall meet at the time and place designated in the notice provided for in section 16-1903, at which time any taxpayer may appear and be heard for or against any part of the budget. The hearing shall be continued from day to day and shall be concluded and the budget approved and adopted on the second Monday in August and before the fixing of the tax levies by the board.

(2) Upon the conclusion of the hearing the board shall first determine the amount estimated to accrue to each fund

during the fiscal year from all sources, except the taxation of property. In so doing the board may not include any amount which it is anticipated may be received during the fiscal year from the payment of taxes which became delinquent during a preceding fiscal year. The board shall then determine separately the amount appropriated for and authorized to be spent for each item in the budget and shall specify the fund or funds against which warrants are to be drawn and issued for each item in the budget and shall specify the fund or funds against which warrants are to be drawn for the expenditures authorized. There may not be added to the amount to be appropriated and authorized to be spent for an item, or to the total amount appropriated and authorized to be spent from any fund, any amount or percentage because of anticipated loss of revenue by reason of the nonpayment of taxes levied for that fiscal year. The total expenditures authorized to be made from any fund, including the reserve added to them, may not exceed the aggregate of:

(a) the cash balance in the fund at the close of the preceding fiscal year;

(b) the amount of estimated revenues to accrue to the funds; and

(c) the amount which may be raised for the fund by a lawful tax levy during the fiscal year.

(3) The board shall then determine the amount to be raised for each fund by tax levy by adding the cash balance in the fund at the close of the preceding fiscal year and the amount of the estimated revenues to accrue to the fund during the current fiscal year. It shall then deduct the total amount so obtained from the total amount of the appropriations and authorized expenditures from the fund as determined by the board. The amount remaining is the amount necessary to be raised for the fund by tax levy during the current fiscal year. The board may add to the amount necessary to be raised for any fund by tax levy during the current fiscal year, an additional amount as a reserve to meet expenditures to be made from the fund during the months of July to November of the next fiscal year. The amount which may be so added to any fund, as the reserve may not exceed one-third (1/3) of the total amount appropriated and authorized to be spent from the fund during the current fiscal year, after deducting from the amount of the appropriations and authorized expenditures the total amount appropriated and authorized to be spent for election expenses and payment of emergency warrants. The total amount to be raised by tax levy for any fund during the current fiscal year, including the amount of the reserve and any amount for payment of election expenses and emergency warrants, may not exceed the total amount which may be

raised for the fund by a tax levy which does not exceed the maximum levy permitted by law to be made for the fund.

(4) If the cash balance remaining in any of the several county funds, except the school fund, at the end of a fiscal year, exceeds the amount to be budgeted to that fund, the excess may be transferred to other funds as the county commissioners consider to be in the best interest of the county after a public hearing. Notice of the hearing must be given not less than thirty (30) days prior to the hearing by publication in a newspaper of general circulation in the county and by posting in five (5) public places. The notice must state the date, time, and place of the hearing and state generally the purpose and proposed use of the funds.

(5) The budget as finally determined, in addition to setting out separately each item for which an appropriation or expenditure is authorized and the fund out of which it is to be paid, shall set out the total amount appropriated and authorized to be spent from each fund, the cash balance in the fund at the close of the preceding fiscal year, the amount estimated to accrue to the fund from sources other than taxation, the reserve for the next fiscal year, and the amount necessary to be raised for each fund by tax levy during the current fiscal year. The board shall then by resolution approve and adopt the budget as finally

determined and enter the budget at length in the official minutes of the board.

(6) On the second Monday in August, and after the approval and adoption of the final budget, the board of county commissioners shall fix the tax levy for each fund at a rate which will raise the amount set out in the budget as the amount necessary to be raised by tax levy for the fund during the current fiscal year. The taxable valuation of the county for the current fiscal year shall be the basis for determining the amount of the tax levy for each fund. Each tax levy shall be at a rate no higher than is required on that basis, without including any amount for anticipated tax delinquency, to produce the amount set out in the budget without including any amount for anticipated tax delinquency, as being the amount to be raised by tax levy. The tax levy shall be made in the manner provided by section 84-3802.

(7) The county clerk and recorder shall, not later than September 15, forward a full and detailed copy of the final budget, together with the tax levies, to the department of ~~intergovernmental relations~~ community affairs. If a county clerk and recorder fails to forward a copy of the budget to the department within that time, that department shall, before October 1, notify the board of county commissioners of the county that a copy of the budget has not been

forwarded by the county clerk and recorder. The board of county commissioners must then withhold the county clerk and recorder's salary for September until the county clerk and recorder files with the board a receipt from the department showing the receipt of a copy."

Section 26. Section 16-1909, R.C.M. 1947, is amended to read as follows:

"16-1909. Department of ~~intergovernmental relations~~ community affairs to make rules — accounting systems. The department of ~~intergovernmental relations~~ community affairs shall make rules and classifications, and prescribe forms, necessary to carry out the provisions of sections 16-1901 through 16-1904 and 16-1906 through 16-1911, to define what expenditures are chargeable to each budget account, and to establish accounting and cost systems necessary to provide accurate budget information."

Section 27. Section 16-2049, R.C.M. 1947, is amended to read as follows:

"16-2049. Petty cash fund. The board of county commissioners, with the approval of the department of ~~intergovernmental relations~~ community affairs, may set aside a sum of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) out of the general fund, which shall be known as a petty cash fund, for the purpose of paying incidental expenses such as freight, express,

postage, and other similar items which must be paid in cash at time of delivery. In counties having a county auditor, the county auditor is responsible for expenditures from the petty cash fund. In counties not having a county auditor, the county clerk is responsible for expenditures from the petty cash fund."

Section 28. Section 16-2618, R.C.M. 1947, is amended to read as follows:

"16-2618. Deposit of public funds by county, city and town treasurers. (1) It shall be the duty of all county, city and town treasurers to deposit all public moneys in their possession and under their control in any solvent banks, building and loan associations or savings and loan associations located in the county, city or town of which such treasurer is an officer, subject to national supervision or state examination as the board of county commissioners in the case of a county, or of the council in the case of a city or town, may designate, and no other. The treasurer shall take from such bank, building and loan association or savings and loan association such security as the board of county commissioners, in the case of a county, or the council in the case of a city or town, may prescribe, approve and deem fully sufficient and necessary to insure the safety and prompt payment of all such deposits, together with the interest on any time or savings deposits, provided

that said board of county commissioners or city or town council is hereby authorized to deposit such public moneys not necessary for immediate use by such county, city or town with any bank, building and loan association or savings and loan association authorized herein above in a savings or time deposit; provided that the bank or banks or building and loan association or savings and loan association in which the money is deposited shall pay on the moneys no less than the rate of interest as is paid on money from private sources on the same terms. Refusal of any bank, building and loan association or savings and loan association to pay said interest rate shall constitute a waiver of that institution's right to participate in the ratable distribution of said moneys as set forth in subsection (4) of this act, and provided that said board of county commissioners, or city or town council is hereby authorized to invest such public moneys not necessary for immediate use by such county, city or town, in direct obligations of the United States government, payable within not to exceed one hundred eighty (180) days from the time of such investment.

(2) Said board of county commissioners, city or town council may require security for only such portion of deposits as is not guaranteed or insured according to law. Such security shall consist of cashier's check or checks issued by the Federal Reserve Bank, bonds of the United

States government and its dependents, bonds guaranteed by the United States government or its dependents, bonds and warrants of the state of Montana, bonds and warrants of any county of the state of Montana, and bonds of any city, town or school district of the state of Montana, which are a general obligation of such county, city, town or school district, bonds of the Federal Land Banks, Federal Intermediate Credit Bank debentures, Federal Home Loan Bank notes and bonds, Bank for Co-operatives' debentures, Federal National Mortgage Association notes, bonds and guaranteed certificates of participation, obligations of or fully guaranteed by the Government National Mortgage Association, Farmers' Home Administration insured notes, notes fully guaranteed as to principal and interest by the Small Business Administration, Federal Housing Administration debentures, general obligation bonds of other states and counties of other states and bonds issued in the United States of America, which are quoted on the New York market which shall be acceptable at not to exceed ninety per centum (90%) of such market quotation.

(3) When negotiable securities are furnished, such securities may be placed in trust and the trustee's receipt may be accepted in lieu of the actual securities when such receipt is in favor of the treasurer, his successors and the state of Montana, and the form of receipt and the trustee

have been approved by the department of ~~intergovernmental relations~~ community affairs. All warrants or other negotiable securities must be properly assigned or endorsed in blank. It shall be the duty of the board of county commissioners in the case of county funds, or the council in the case of funds of a city or town, upon the acceptance and approval of any of the above-mentioned bonds or securities, to make a complete minute entry of such acceptance and approval upon the record of their proceedings, and such bonds and securities shall be reapproved at least quarter annually thereafter.

(4) (a) Demand deposits shall be placed only in banks. When more than one bank is available in any county, for the deposit of such county funds, or in any city or town for the deposit of such city or town funds, such demand deposits shall be distributed ratably among all of such banks qualifying therefor, substantially in proportion to paid-in capital and surplus of each such bank willing to receive such demand deposits under the terms of this act, and it shall be the duty of said county, city or town treasurer to prorate all such demand deposits among all of the banks qualified to receive the same as in this act provided, to the end that an equitable distribution of such demand deposits shall be maintained.

(b) Such public moneys not necessary for immediate use

by such county, city or town which are not invested in direct obligations of the United States government as authorized herein shall be placed in time or savings deposits with any bank, building and loan association or savings and loan association in the county, city or town. When more than one bank, building and loan association or savings and loan association is available in any county, for the deposit of such county funds, or in any city or town for the deposit of such city or town funds, such funds shall be distributed ratably among all of such banks, building and loan associations and savings and loan associations qualifying therefor, substantially in proportion to the total property taxes paid in such county or the county in which such city or town is located during the preceding year, including taxes on shares of bank stock, by each such bank, building and loan association or savings and loan association willing to receive such time or savings deposits under the terms of this act, and it shall be the duty of said county, city or town treasurer to prorate all such time or savings deposits among all of the banks, building and loan associations and savings and loan associations qualified to receive the same as in this act provided, to the end that an equitable distribution of such time or savings deposits shall be maintained.

(5) Whenever it shall come to the attention of the

department of ~~intergovernmental relations~~ community affairs that the funds of any county, city or town are not properly distributed as provided in this act, the department of ~~intergovernmental relations~~ community affairs shall order the treasurer of such county, city or town to distribute said funds in accordance herewith, and if such treasurer shall refuse or neglect to comply with such order, it shall be the duty of the department of ~~intergovernmental relations~~ community affairs to institute proceedings against such treasurer at the cost of the county, city or town of which such treasurer is an officer, on the official bond of such treasurer. If no such bank, building and loan associations or savings and loan associations exists in the county, city or town, or if any banks, building and loan associations or savings and loan associations existing therein fails or refuses to qualify under the terms of this act to receive such deposits, then and in such case, or in either of such cases, such moneys as have not been accepted by any banks, building and loan associations or savings and loan associations within said county, city or town, shall be deposited under the terms of this act, in the banks, building and loan associations or savings and loan associations most convenient to such county, city or town, willing to accept such deposits under the terms of this act, and qualified as above provided. Any banks, building and

loan associations or savings and loan associations receiving such deposits, shall, through its president and cashier or secretary, make a statement quarter annually of account, under oath, showing all such moneys that have been deposited with such bank, building and loan association or savings and loan association during the quarter, the amount of daily balance in dollars, and the amount of interest by such banks, building and loan associations or savings and loan associations credited or paid therefor, and showing that neither such bank, building and loan association or savings and loan association nor any officer thereof, nor any person for it, has paid or given any consideration or emolument whatsoever to the treasurer or to any other person other than the interest provided for herein, for or on account of the making of such deposits, with any such bank, building and loan association or savings and loan association. All such deposits shall be subject to withdrawal by the treasurer in such amounts as may be necessary from time to time, and no deposit of funds shall be made, or permitted to remain in any bank, building and loan association or savings and loan association, until the security for such deposits shall have been first approved by the board of county commissioners in the case of county funds, or by the council in the case of city or town funds, and delivered to the treasurer.

(6) Except as provided in subsection (8) of this section, all interest paid and collected on such deposits or investments shall be credited to the general fund of the county, city or town to whose credit such funds are deposited. Where moneys shall have been deposited in accordance with the provisions of this act, the treasurer shall not be liable for loss on account of any such deposit that may occur through damage by the elements or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct.

(7) Any bank, building and loan association or savings and loan association pledging securities as provided in this act at any time it deems advisable or desirable may substitute like securities for all or any part of the securities pledged. The collateral so substituted shall be approved by the governing body of the county, city or town at its next official meeting. Such securities so substituted shall at the time of substitution be at least equal in principal amount to the securities for which substitution is made. In the event that the securities so substituted are held in trust, the trustee shall, on the same day the substitution is made, forward by registered or certified mail to the county, city or town and to the depository bank, building and loan association or savings and loan association, a receipt specifically describing and

identifying both the securities so substituted and those released and returned to the depository bank, building and loan association or savings and loan association.

(8) Whenever in the judgment of the trustees of any common school district, high school district, or county high school it would be advantageous to invest any money of such school or school district in savings or time deposits in a state or national bank, building and loan association or savings and loan association insured by the F.D.I.C. or the F.S.L.I.C., or in direct obligations of the United States government, payable within one hundred eighty (180) days from the time of investment, such governing body may in its discretion direct the county treasurer to make such investments. All interest collected on such deposits or investments shall be credited to the fund from which the money was withdrawn, provided that nothing in this act shall be interpreted to conflict with section 16-2050."

Section 29. Section 16-2621, R.C.M. 1947, is amended to read as follows:

"16-2621. Director of department of ~~intergovernmental relations~~ community affairs to sign trustee and deposit receipts. The director of the department of ~~intergovernmental relations~~ community affairs shall sign all trustee and deposit receipts and releases required to be signed on behalf of the state in all cases where negotiable

securities are placed in trust with a trustee in place of the actual securities, for security of county, city, and town deposits, under the laws of the state relating to the deposit of county, city, and town funds."

Section 30. Section 16-2625, R.C.M. 1947, is amended to read as follows:

"16-2625. Must permit department of ~~intergovernmental relations~~ community affairs and county clerk to examine books. (1) The treasurer must permit the department of ~~intergovernmental relations~~ community affairs and county clerk or the board of county commissioners to examine his books and count the money in the treasury, when any of them wants to make an examination or counting.

(2) The county clerk and recorder at the close of business each month shall count the cash in the office of the county treasurer and shall certify the amount in detail to the department of ~~intergovernmental relations~~ community affairs, retaining a copy of the certification in his office."

Section 31. Section 16-2924, R.C.M. 1947, is amended to read as follows:

"16-2924. Annual report of county clerk. Within forty days after the close of each fiscal year, the county clerk shall make out and present to the board of county commissioners and the department of ~~intergovernmental~~

~~relations~~ community affairs a complete statement of the financial condition of the county. The statement shall be made out on the form designated by the department of ~~intergovernmental relations~~ community affairs and must show:

(1) A detailed description of all of the resources and liabilities of the county and the book value of them;

(2) The amount of moneys received showing the source of that revenue;

(3) The amount of moneys disbursed, with the purpose of disbursement;

(4) The operation of each of the cash and warrant accounts, showing the balance at the beginning of the year, the credits, the debits, and the balance at the end of the year~~.~~;

(5) The assessed valuation of the real and personal property of the county, the rate of taxation, the amount of taxes delinquent for the preceding years, and such other items the department of ~~intergovernmental relations~~ community affairs may prescribe."

Section 32. Section 25-231, R.C.M. 1947, is amended to read as follows:

"25-231. Fees of county clerks. The county clerks must charge, for the use of their respective counties:

(1) For recording and indexing a written instrument allowed by law to be recorded, except as otherwise provided

in this section:

(a) For the first folio, sixty cents (60¢), and for each subsequent folio or fraction of one, thirty cents (30¢);

(b) For each entry in index, twenty cents (20¢);

(c) For a certificate that an instrument has been recorded with seal affixed, one dollar ($1);

(2) For recording and indexing each real estate mortgage, or an assignment, renewal, or release of a real estate mortgage:

(a) For each folio, forty cents (40¢);

(b) For each entry in index, twenty cents (20¢);

(c) For a certificate that the mortgage, assignment, or release has been recorded with seal affixed, one dollar ($1);

(3) For recording and indexing each certificate of location of a quartz or placer mining claim, millsite claim, or notice of appropriation of water, including a certificate that the instrument has been recorded with seal affixed, four dollars ($4);

(4) For recording and indexing each affidavit of annual labor on a mining claim, including certificate that the instrument has been recorded with seal affixed, two dollars ($2) for the first mining claim in the affidavit, and fifty cents (50¢) for each additional mining claim

included in it;

(5) For filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, one dollar ($1);

(6) For filing and indexing each certificate of incorporation or annual statement of a corporation, two dollars ($2);

(7) For recording and platting each townsite or map:

(a) For each lot up to and including one hundred, fifty cents (50¢);

(b) For each additional lot in excess of one hundred, ten cents (10¢);

(c) For recording the field notes of survey of a townsite, per folio, fifty cents (50¢).

(8) Where recording is done by photographic or similar process the county clerk and recorder shall charge, for filing and indexing, two dollars ($2) for each page or fraction of a page of the instrument;

(9) For a copy of a record or paper, for each folio, thirty cents (30¢) and for each certification with seal affixed, one dollar ($1). In all cases where copies of a record or paper are to be certified by the county clerk and the copy is furnished to the clerk for certification, the clerk shall not charge a fee for the comparison of the copy, other than the fee of one dollar ($1) for his certificate

and seal;

(10) For searching an index record of files of the office, for each year when required, in abstracting or otherwise, thirty cents (30¢);

(11) For each entry of discharge or satisfaction of a mortgage, lien, or other instrument on the margin of record of it, or upon the original instrument, and noting the entry in the indexes concerned, fifty cents (50¢);

(12) For administering an oath with certificate and seal, no charge;

(13) For taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(14) For recording and indexing an instrument which may be recorded under section 73-104, and which pertains to land allotted to an Indian or land within an Indian reservation, except fee patents, no charge;

(15) For filing, indexing, or other services provided for by sections 87A-9-401 through 87A-9-407, the fees prescribed in those sections;

(16) For filing, recording, or indexing any other instrument not expressly provided for in this section, the same fee provided in this section for a similar service;

(17) On each instrument delivered to him for recording, the county clerk shall endorse on it all charges made for each service and the endorsement shall be recorded as a part

of the instrument in his office in order that the department of ~~intergovernmental relations~~ community affairs may verify the charges and may see that they have been properly entered on the fee book or reception record in the county clerk's office."

Section 33. Section 27-222, R.C.M. 1947, is amended to read as follows:

"27-222. Application for applicator's license. (1) Application for a pesticide applicator's license provided for in section 27-221 shall be made annually, before applying pesticides in any calendar year, from the department of agriculture.

(2) If the application is made for a license to engage in aerial application of pesticides, the applicant shall first meet all of the requirements of the federal aviation agency and the department of ~~intergovernmental relations~~ community affairs to operate the equipment described in the application."

Section 34. Section 32-4602, R.C.M. 1947, is amended to read as follows:

"32-4602. Definitions. Unless the context requires otherwise, in this chapter:

(1) "Highway traffic safety program" means a program designed to reduce traffic accidents, deaths, and injuries to persons, and damage to property. The program shall be in

accordance with uniform standards established by the secretary of commerce of the United States under Title 23, United States Code Annotated, as amended. Nothing in this chapter restricts or prohibits the establishment of standards which enlarge or implement the federal standards.

(2) "Political subdivisions" means every county, incorporated city or town, and school district within the boundaries of the state.

(3) "Department" means the department of ~~intergovernmental relations~~ community affairs provided for in Title 82A, chapter 9."

Section 35. Section 32-4605, R.C.M. 1947, is amended to read as follows:

"32-4605. Duties. (1) The governor is responsible for the administration of the highway traffic safety program. The governor may contract and do all other things necessary to secure the full benefits available to this state under the Federal Highway Safety Act of 1966, and, in so doing, may co-operate with federal and state agencies, private and public organizations, and individuals to effectuate the purposes of that enactment, and all amendments to it. For purposes of participation in the Federal Highway Safety Act of 1966, the governor shall designate the superintendent of public instruction as the state agency responsible for all aspects of federally assisted driver education and safety

programs in the public schools, including the approval of the programs; certification of teachers; and the acceptance, allocation, and expenditure of funds for driver education in accordance with applicable federal laws and regulations. Nothing in this chapter interferes with the provisions of section 75-7303 or chapter 79 of Title 75, R.C.M., 1947.

(2) The department of ~~intergovernmental relations~~ community affairs shall:

(a) advise and assist the governor in all matters of highway safety and establish comprehensive training programs, including establishment and regulation of driver training schools and certification of the schools and instructors and establishment of adult training and retraining programs;

(b) develop and procure practice driving facilities, simulators, and other teaching aids for school and driver training use;

(c) establish a continuing and adequate research program designed to determine the causes of accidents and effect a program of prevention;

(d) establish a uniform system of driver licensing, including mental and physical standards; and

(e) prescribe and establish safety regulations for motor vehicles and operators."

Section 36. Section 59-514, R.C.M. 1947, is amended to

read as follows:

"59-514. Destruction of old county records may be ordered by commissioners with approval of department of ~~intergovernmental relations~~ community affairs -- destruction of old school district records may be ordered by trustees with approval of the department of ~~intergovernmental relations~~ community affairs. (1) A county officer may destroy old worthless reports, papers, or records in his office that have served their purpose and that are substantiated by permanent records, upon the order of the board of county commissioners and with the approval of the department of ~~intergovernmental relations~~ community affairs.

(2) A school officer may destroy old worthless reports, papers, or records in his office that have served their purpose and that are substantiated by permanent records, upon the order of the board of trustees and with the approval of the department of ~~intergovernmental relations~~ community affairs."

Section 37. Section 59-515, R.C.M. 1947, is amended to read as follows:

"59-515. Destruction of old city or town records. A city or town officer may destroy old worthless reports, papers, or records in his office that have served their purpose and that are substantiated by permanent records, upon the order of the city or town council or commission and

with the approval of the ~~Department~~ department of ~~Intergovernmental Relations~~ community affairs, except that records relating to the operation of any public utility by a city or town may be destroyed without the approval of the ~~Department~~ department of ~~Intergovernmental Relations~~ community affairs after the expiration of the period during which they must be kept by said city or town as specified in the appropriate regulations of the Public Service Commission of Montana."

Section 38. Section 69-7002, R.C.M. 1947, is amended to read as follows:

"69-7002. Emergency medical services program — duties of department. The department of health and environmental sciences shall establish and administer an emergency medical services program. The department is authorized to confer and cooperate with any and all other persons, organizations and governmental agencies that have an interest in emergency medical services problems and needs, and the department is authorized to accept, receive, expend and administer any and all funds which are now available or which may be donated, granted or appropriated to the department of health and environmental sciences. The department of health and environmental sciences and the department of ~~intergovernmental relations~~ community affairs, highway safety division and other interested departments or

divisions, shall develop in writing a mutually agreeable plan of cooperation, so that governmental effort will not be duplicated and governmental resources will be applied on a reasonable priority basis."

Section 39. Section 70-807, R.C.M. 1947, is amended to read as follows:

"70-807. Study, evaluation and report on proposed facility — application for amendment of certificate — hearings. (1) Upon receipt of an application complying with section 70-806, the department shall commence an intensive study and evaluation of the proposed facility and its effects, pursuant to section 70-816 of this act. Within six hundred (600) days following receipt of the application for a facility as defined in sections 70-803 (3)(a), 70-803 (b)(iv), 70-803 (3)(c), 70-803 (3)(d) and within one hundred eighty (180) days for a facility as defined in sections 70-803 (b) (iii) the department shall make a report to the board, which shall contain the department's studies, evaluations, recommendations, other pertinent documents resulting from its study and evaluation pursuant to section 70-816 of this act and the final environmental impact statement.

The departments of health and environmental sciences, highways, ~~intergovernmental relations~~ community affairs, fish and game, and public service regulation shall report to

the department information relating to the impact of the proposed site on each department's area of expertise. Such information may include opinions as to the advisability of granting or denying the certificate. The department shall allocate funds obtained from filing fees to the departments making reports to reimburse them for the costs of compiling information and issuing the required report.

(2) On an application for an amendment of a certificate, the board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternates set forth in the application.

(3) Upon receipt of the department's report submitted under subsection (1) of this section, the board shall set a hearing date not more than sixty (60) days after such receipt."

Section 40. Section 70-814, R.C.M. 1947, is amended to read as follows:

"70-814. Annual long-range plan submitted — contents — available to public. (1) Each utility shall furnish annually to the department for its review, a long-range plan for the construction and operation of utility facilities.

Such plan shall be submitted on April 1 of each year. The plan shall include the following:

(a) the general location, size and type of all utility facilities to be owned and operated by the utility whose construction is projected to commence during the ensuing ten (10) years, as well as those facilities to be removed from service during the planning period;

(b) a description of efforts by the utility to coordinate the plan with other utilities so as to provide a coordinated regional plan for meeting the utility needs of the region;

(c) a description of the efforts to involve environmental protection and land-use planning agencies in the planning process, as well as other efforts to identify and minimize environmental problems at the earliest possible stage in the planning process;

(d) projections of the demand for the service rendered by the utility and explanation of the basis for such projections, and a description of the manner and extent to which the proposed facilities will meet the projected demand; and

(e) additional information that the department on its own initiative or upon the advice of interested state agencies might request in order to carry out the purposes of this act.

(2) The plan shall be made available to the public by the department, and the utility shall be required to give public notice throughout the state of its plan by filing the plan with the environmental quality council, the department of health and environmental science, the department of highways, the department of public service regulation, the department of state lands and the department of ~~intergovernmental relations~~ community affairs. Citizen environmental protection and resource planning groups, and other interested persons may obtain a plan by written request and payment therefor."

Section 41. Section 75-6917, R.C.M. 1947, is amended to read as follows:

"75-6917. Purpose of state equalization aid and duties of the board of public education for distribution. Except as provided in 75-6917.1, the moneys available for state equalization aid shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt service and for the payment of any and all costs and expense incurred in connection with any adult education program, recreation program, school food services program, new buildings, new grounds, and transportation.

The board of public education shall administer and

distribute the state equalization aid in the manner and with the powers and duties provided by law. To this end, the board of public education shall:

(1) adopt policies for regulating the distribution of state equalization aid in accordance with the provisions of law;

(2) have the power to require such reports from the county superintendents, budget boards, county treasurers, and trustees as it may deem necessary; and

(3) order the superintendent of public instruction to distribute the state equalization aid on the basis of each district's annual entitlement to such aid as established by the superintendent of public instruction. In ordering the distribution of state equalization aid, the board of public education shall not increase or decrease the state equalization aid distribution to any district on account of any difference which may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue.

Should a district receive more state equalization aid than it is entitled to, the county treasurer must return the overpayment to the state upon the request of the superintendent of public instruction in the manner prescribed by the municipal division of the department of ~~intergovernmental relations~~ community affairs."

Section 42. Section 80-2618, R.C.M. 1947, is amended to read as follows:

"80-2618. County funding to be supplied. Every participating county of the state shall annually budget and appropriate for the establishment, support and operation of public developmental disabilities facilities and services an amount equal to fifty cents ($.50) per capita of the population of such county as shown by the division of planning and economic development of the state department of ~~intergovernmental relations~~ community affairs. The appropriation may be in an amount greater than the minimum herein provided and shall be made under the authority contained in section 9 [80-2619] herein and may be appropriated either out of the general fund of the county or by use of the permissive special mill levy as herein provided."

Section 43. Section 82-3702, R.C.M. 1947, is amended to read as follows:

"82-3702. Declaration of necessity and public policy. It is hereby declared to be a necessity and the public policy of the state to promote, stimulate, and encourage the planning and development of the economy of the state in order to provide for the social and economic prosperity of its citizens. Such promotion and development of industry, commerce, agriculture, labor, and natural resources of the

state requires that cognizance be taken of the continuing migration of people to the urban areas in search of job opportunities, and the fact that Montana is making a needed transition to a diversified economy. Community planning, greater diversification, and attraction of additional industry, accelerated development of natural resources, expansion of existing industry, creation of new uses for agricultural products, greater emphasis on scientific research, development of new markets for the products of the state, and the attainment of a proper balance in the over-all economic base are all necessary in order to create additional employment opportunities, increase personal income, and promote the general welfare of the people of this state. The department of ~~intergovernmental relations~~ community affairs shall be regarded as performing a governmental function in carrying out the provisions of this chapter."

Section 44. Section 82-3705, R.C.M. 1947, is amended to read as follows:

"82-3705. Functions of department of ~~intergovernmental relations~~ community affairs -- state planning. The department of ~~intergovernmental relations~~ community affairs shall:

(A) State Planning.

(1) Develop and adopt a comprehensive plan for the

physical development of the state;

(2) Make economic and social studies needed to accomplish the purposes of this chapter;

(3) Co-ordinate and assist regional development groups in the comprehensive development of the resources of the region to the betterment of Montana;

(4) Assemble and correlate information for the purpose of making long-range plans for economic and resource development of the state and its subdivisions relating to all of the factors which influence the development of new and existing economic enterprises, including taxes and the regulation of industry;

(5) Provide advice and assistance to Montana business and labor in the field of economic development and bring to the attention of the governor those significant problems adversely affecting economic development which may be relieved by state action;

(6) Locate and maintain information on prime sites for industrial, agricultural, mineral, forestry, commercial, and residential development and on sites of historical importance, and make recommendations for protecting and preserving those sites;

(7) Apply for, accept, and administer grants from the federal government or other public or private sources to accomplish the objectives of this chapter, and enter into

contracts, including agreements with adjoining states, with respect to planning involving adjoining states;

(8) Serve as the consultative, co-ordinating, and advisory agency for state departments, officials, and agencies in state planning and for encouraging and aiding local planning bodies, either directly or by securing planning assistance, consulting services, and technical aid, which may include land use, demographic, and economic studies and surveys, and comprehensive plans."

Section 45. Section 82-3705.1, R.C.M. 1947, is amended to read as follows:

"82-3705.1. Functions of department of ~~intergovernmental relations~~ community affairs -- community development. The department of ~~intergovernmental relations~~ community affairs shall: (1) Cooperate with and provide technical assistance to county, municipal, state, and regional planning commissions, zoning commissions, parks or recreation boards, community development groups, community action agencies, and similar agencies created for the purposes of aiding and encouraging orderly, productive, and coordinated development of the communities of the state;

(2) Assist the governor in coordinating the activities of state agencies which have an impact on solution of community development problems and implementation of community plans;

(3) Serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to local governments to discharge their responsibilities and provide information on available federal and state financial and technical assistance;

(4) Carry out continuing studies and analyses of the problems faced by communities within the state and develop those recommendations for administrative or legislative action as appear necessary. In carrying out the studies and analyses, the department shall pay particular attention to the problems of metropolitan, suburban, and other areas in which economic and population factors are rapidly changing."

Section 46. Section 82-3705.2, R.C.M. 1947, is amended to read as follows:

"82-3705.2. Functions of department of ~~intergovernmental relations~~ community affairs — recreational development. The department of ~~intergovernmental relations~~ community affairs shall: (1) Exercise state responsibility for that part of recreational planning and development which is directly related to private investment in recreational facilities;

(2) Assemble and correlate information which may influence the development of recreational enterprises and disseminate it to persons, firms, or corporations interested in constructing or maintaining recreational facilities open

to the public."

Section 47. Section 82-3705.3, R.C.M. 1947, is amended to read as follows:

"82-3705.3. Functions of department of ~~intergovernmental relations~~ community affairs — economic development. The department of ~~intergovernmental relations~~ community affairs shall: (1) Provide coordinating services to aid state and local groups in the promotion of new economic enterprises and conduct publicity and promotional activities in connection with new economic enterprises;

(2) Collect and disseminate information regarding the advantages of developing agricultural, recreational, commercial, and industrial enterprises within this state;

(3) Serve as the state's official liaison between persons interested in locating new economic enterprises in Montana and state and local groups seeking new enterprises;

(4) Aid communities interested in obtaining new business or expanding existing business;

(5) Study and promote means of expanding markets for Montana products;

(6) Encourage and coordinate public and private agencies or bodies in publicizing the facilities and attractions of the state."

Section 48. Section 82-4501, R.C.M. 1947, is amended to read as follows:

"82-4501. Definition. Unless the context requires otherwise, in this chapter "department" means the department of ~~intergovernmental relations~~ community affairs provided for in Title 82A, chapter 9."

Section 49. Section 82A-104, R.C.M. 1947, is amended to read as follows:

"82A-104. Structure of executive branch of state government. (1) In accordance with the constitution, all executive and administrative offices, boards, commissions, agencies, and instrumentalities of the executive branch of state government, and their respective functions, are allocated by this title among and within the following departments or entities:

(a) Department of administration.

(b) Department of agriculture.

(c) Department of business regulation.

(d) State board of education.

(e) Department of fish and game.

(f) Department of health and environmental sciences.

(g) Department of highways.

(h) Department of institutions.

(i) Department of ~~intergovernmental relations~~ community affairs.

(j) Department of labor and industry.

(k) Department of justice.

(l) Department of livestock.

(m) Department of military affairs.

(n) Department of natural resources and conservation.

(o) Department of professional and occupational licensing.

(p) Department of public service regulation.

(q) Department of revenue.

(r) Department of social and rehabilitation services.

(s) Department of state lands.

(2) For its internal structure, each department shall adhere to the following standard terms:

(a) The principal unit of a department is a "division." Each division shall be headed by an "administrator."

(b) The principal unit of a division is a "bureau." Each bureau shall be headed by a "chief."

(c) The principal unit of a bureau is a "section." Each section shall be headed by a "supervisor.""

Section 50. Section 82A-403, R.C.M. 1947, is amended to read as follows:

"82A-403. Additional functions transferred to department. (1) The functions of the state examiner, except the functions with respect to the political subdivisions of the state and their officers and employees transferred to the department of ~~intergovernmental relations~~ community

affairs and enumerated in chapter 9 of this act, are transferred to the department. In accordance with article VII, section 8 of the Montana constitution, the state examiner retains the function of examining the accounts of the state treasurer, supreme court clerks, district court clerks, and county treasurers. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state examiner, except the references contained in the citations enumerated above in this subsection, means the department of business regulation.

(2) The functions of the Montana milk control board, which is created in Title 27, chapter 4, R.C.M. 1947, except the quasi-judicial functions contained in section 27-407, R.C.M. 1947 (pertaining to fixing minimum prices for milk), retained in the board under section 82A-406 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana milk control board, except the references in section 27-407, R.C.M. 1947, relating to the quasi-judicial functions retained in the board under section 82A-406 of this chapter, means the department of business regulation.

(3) The functions of the commissioner of agriculture, which are contained in Title 60, chapter 2, R.C.M. 1947 (pertaining to petroleum products regulation), are

transferred to the department. Unless inconsistent with this act, any reference in Title 60, chapter 2, R.C.M. 1947, to the commissioner of agriculture means the department of business regulation.

(4) The functions of the department of agriculture, which are contained in Title 90, chapter 1, R.C.M. 1947 (pertaining to weights and measures), are transferred to the department of business regulation. Unless inconsistent with this act, any reference in Title 90, chapter 1, R.C.M. 1947, to the department of agriculture means the department of business regulation."

Section 51. Section 89-1215, R.C.M. 1947, is amended to read as follows:

"89-1215. Records required to be kept — examination by ~~state examiner~~ department of community affairs. It shall be the duty of the board of control to keep, or cause to be kept, a full and complete book and record of the accounts, records, contracts, securities, minutes of meetings and other matters of every kind pertaining to or belonging to the joint operation of the irrigation districts, in the form prescribed by the department of ~~intergovernmental relations~~ community affairs.

It is hereby made the duty of the department of ~~intergovernmental relations~~ community affairs to prescribe such forms for the use of the board of control, and to

examine the same as provided by law for the examination of the affairs of county offices."

Section 52. Section 89-2107, R.C.M. 1947, is amended to read as follows:

"89-2107. Records — inspection — fees — reports. (1) The board of commissioners shall keep a complete book and record of the accounts, records, contracts, securities, minutes of meetings, and other matters of every kind pertaining to or belonging to the irrigation district, in the form prescribed by the department of ~~intergovernmental relations~~ community affairs. The department of ~~intergovernmental relations~~ community affairs shall prescribe forms for the use of irrigation districts and examine them as provided by law for the examination of the affairs of county officers. The books and records shall be open to the inspection of any landowner of the district the same as other public records. The failure of the board of commissioners to comply with this section is grounds for removal from office, and the county attorney of any county in which the irrigation district is situated shall prosecute ouster proceedings against any commissioner or commissioners. The cost of the proceedings is a charge against the irrigation district, and shall be paid as are other bills against the districts.

(2) If a district is appointed fiscal agent of the

United States, or by the United States is authorized to make collections for or on behalf of the United States in connection with a federal irrigation project, the board of commissioners or its secretary shall at any time allow any officer or employee of the United States, when acting under the orders of the secretary of the interior, to have access to all books, records, and vouchers of the district which are in possession or control of the secretary or board.

(3) The board of commissioners shall annually file with the county clerk and recorder of the county in which the district is located, within ten (10) days after March 1 of each year, a sworn report showing the assets and liabilities of the district, the amount of money received during the preceding year, and the amount spent during that time, and shall publish the report at least once in a newspaper of the county.

(4) The department of ~~intergovernmental relations~~ community affairs shall notify the secretaries of the districts of the time of presenting the books and records at the courthouse for examination."

Section 53. Section 89-3422, R.C.M. 1947, is amended to read as follows:

"89-3422. ~~State examiner~~ Department of community affairs to examine financial records — report — fee. At least once each year the department of ~~intergovernmental~~

~~relations~~ community affairs shall examine the financial records of each district and file a report of the examination with the department of natural resources and conservation and court. The department of ~~intergovernmental relations~~ community affairs shall collect a fee for the examination equal to that charged irrigation districts."

Section 54. There is a new R.C.M. section that reads as follows:

Construction of this act. This act shall take effect on July 1, 1975. After that date, every reference to the department of intergovernmental relations shall be to the department of community affairs.

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